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THE
MUNICIPAL REGISTER,

CONTAINING THE

CITY CHARTER, LAWS AND ORDINANCES,
AND RULES OF ORDER

OF THE

CITY COUNCIL,

AND A

List of the Officers of the City of Roxbury,

FOR THE YEAR

1862.



BOSTON:
JOHN M. HEWES, PRINTER.
1862.

City ofbury.

IN COMMON COUNCIL, MARCH 31, 1862.

ORDERED, That a Joint Special Committee consisting of three from this Board, with such as the Board of Mayor and Aldermen may join, be appointed to compile the Municipal Register for the ensuing year, and cause the same to be printed.

Messrs. DAY, (the President,) SHED and ROBBINS, were appointed on the part of the Council.

Sent up for concurrence.

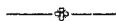
JOSHUA SEAVER, *Clerk.*

IN BOARD OF ALDERMEN, MARCH 31, 1862.

Concurred, and Aldermen COBB and HUSTON joined.

JOSEPH W. TUCKER, *City Clerk.*

CITY CHARTER.



COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Forty-Six.

An ACT to Establish the City of Roxbury.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The inhabitants of the town of ^{Roxbury to be a city.} Roxbury shall continue to be a body politic and corporate, under the name of the City of Roxbury, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to said town as a Municipal Corporation.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of eight,* to be called the board of aldermen; and one council of twenty-four,† to

* One Alderman from each Ward and three at large. Amdt. of 1852, sec. 3.

† Council of twenty. Ibid.

Administration to be vested in Mayor, Aldermen and Common Council.

be called the common council; which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum, for doing business, and no member of either board shall receive any compensation for his services.

To serve
without pay.

Selectmen to
divide the
Town into
Wards.

SECT. 3. It shall be the duty of the selectmen of the town of Roxbury, as soon as may be, after the passage of this act, and its acceptance by the inhabitants, as hereinafter provided, to divide said town into eight wards,* as follows, to wit: *first*, by drawing a line between the second and third parishes, as near the old territorial parish line as may be convenient, and constituting the second parish one ward; *second*, by drawing a line in the same manner between the first and third parishes, and dividing the third parish into two wards, to contain, as nearly as may be convenient, an equal number of inhabitants; and, *third*, by dividing the first parish into five wards, as nearly equal in number of inhabitants as may be consistent with convenience in other respects.

To be revised
every five
years by City
Council.

And it shall be the duty of the city council, once in five years, to revise, and if it be needful, to alter said wards in such manner as to preserve as nearly as may be, an equal number of voters in each ward; *provided, however*, that the second parish shall always constitute at least one ward, and the third parish shall con-

* Five Wards. Amdt. of 1852, sec. 1.

stitute at least two wards, without any addition of territory to either.

SECT. 4. On the second Monday in March,* Election and duties of Warden, Clerk, and Inspectors of Elections. annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of wards in which they are chosen, who shall hold their office for one year;† and until others shall have been chosen in their places, and qualified to act. It shall be the duty of such warden to preside at all ward meetings, with the power of moderators of town meetings. And if at any meeting the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden pro tempore shall be chosen by ballot. And if at any meeting the clerk shall not be present, a clerk pro tempore shall be chosen by ballot. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. And it shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the votes. And the warden, clerk and inspectors so chosen, shall respectively make oath or affirmation, faithfully and impartially to discharge their several duties, relative to all elections, which oath may be administered by the clerk of such ward, to the warden, and by the

* Second Monday of December. Amdt. 1850, sec. 1.

† And until others are chosen. Amdt. 1850, sec. 7.

warden to the clerk and inspectors, or by any justice of the peace for the county of Norfolk.

Warrants for
Ward and
City meet-
ings.

All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meeting, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned in such manner, and at such times, as the city council may by any by-law direct.

Elections
of Mayor
and City
Council.

SECT. 5. The mayor and eight aldermen, one alderman to be selected from each ward,* shall be elected by the qualified voters of the city, at large, voting in their respective wards, and three common councilmen† shall be elected from and by the voters of each ward, and shall be resident of the wards in which they are elected; all said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday in April;‡ and the mayor, until another shall be elected and qualified in his place.

Proceedings
at Ward
meetings.

SECT. 6. On the second Monday in March,§ annually, immediately after a warden, clerk, and inspectors|| shall have been elected and sworn, the qualified voters in each ward shall give in their votes for mayor, aldermen and common councilmen, as provided in the preceding section; and all the votes so given,

* One from each Ward and three at large. Amdt. of 1852, sec. 3.

† Four from each Ward. Ibid.

‡ First Monday in January. Amdt. of 1850, sec. 1.

§ Second Monday of December. Ibid.

|| So much as relates to Warden, &c., repealed by Amdt. of 1850, sec. 2.

shall be assorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records in words at length.

The clerk of the ward, within twenty-four Certificates of Elections. hours after such election, shall deliver to the persons elected members of the common council, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such election, certified in like manner; *provided, however,* that if the choice of common councilmen cannot be conveniently effected on that day, the meeting may be adjourned from time to time, to complete such election.*

The board of aldermen shall, as soon as may be convenient, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor, to be notified in writing of his election; but if it shall appear that no person has received a majority of all the votes, or if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are hereinbefore provided, for the choice of mayor, and repeated from time to time, until a mayor is chosen.

In case of the decease, resignation or absence of the mayor, or his inability to perform the To supply vacancy in the office of Mayor

* Other vacancies filled in like manner. Amdt. of 1850, sec. 3.

duties of his office, it shall be the duty of the board of aldermen and the common council, in convention, to elect a mayor for the time being, to serve until another is chosen, or until the occasion causing the vacancy is removed.

and Aldermen.

And if it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had, as are hereinbefore provided for the choice of mayor. Each alderman shall be notified in writing, of his election, by the mayor and aldermen for the time being.

Mayor's oath.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Norfolk.

The aldermen and common councilmen elect, shall, on the first Monday of April,* at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor or by any justice of the peace for the county of Norfolk, and a certificate of such oath having been taken, shall be entered on a journal of the mayor and aldermen, and of the common council, by their respective clerks.

Notice to Convention when no Mayor is chosen.

And whenever it shall appear that no mayor has been elected previously to the said first Monday in April,* the mayor and aldermen for the time being, shall make a record of that fact; an attested copy of which the city clerk

* First Monday of January. Amdt. of 1850, sec. 1.

shall read at the opening of the convention to be held as aforesaid.

After the oath has been administered as aforesaid, the two boards shall separate; and the common council shall be organized by the choice of a president and a clerk, to hold their office during the pleasure of the common council, and to be sworn to the faithful performance of their duties.

In case of the absence of the mayor elect, on the first Monday of April,* the city government shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present, and the oath of office may be administered to the mayor at any time thereafter in a convention of the two branches.

In the absence of the mayor, the board of aldermen may choose a chairman *pro tempore*, who shall preside at joint meetings of the two boards.

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in failure of election, or in cases of vacancy, may order new elections. And in case of any such vacancy declared by either board, the mayor and aldermen shall order a new election.

SECT. 7. The mayor thus chosen and qualified, shall be the chief executive officer of said

* First Monday of January. Amdt. of 1850, sec. 1.

city.* It shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and keep a general supervision over the conduct of all subordinate officers, with power to remove them for neglect of duty. He may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing notices to be left at the places of residence of the several members; he shall communicate, from time to time, to both of them, such information, and recommend such measures, as in his opinion the interests of the city may require; he shall preside in the board of aldermen, and in convention of the two branches, but shall have only a casting vote.

Compensation.

The salary of the mayor for the first year in which this charter shall take effect, shall be six hundred dollars, and no more; his salary shall afterwards be fixed by the city council, but neither increased nor diminished during the year for which he is chosen; and he shall have no other compensation: *provided, however*, that the city council shall have power to appoint the mayor commissioner of highways, when, in their opinion, such an office is necessary, and allow him a suitable compensation therefor.

May be appointed Commissioner of Highways.

Executive power in the Mayor and Aldermen.

SECT. 8. The executive power of said city generally, and the administration of the police, with all the powers heretofore vested in the selectmen of Roxbury, shall be vested in the

* To hold office until another is chosen. Amdt. of 1850, sec. 7, and Amdt. of 1852, sec. 3.

mayor and aldermen, as fully as if the same were herein specially enumerated.

*And the mayor and aldermen shall have ^{Police Officers.} full and exclusive power to appoint a constable, and assistants, or a city marshal and assistants, with the powers and duties of constables, and all other police officers; and the same to remove at pleasure.

And the mayor and aldermen may require ^{Constables' bonds.} any person appointed a constable of the city, to give bonds, with such security as they may deem reasonable, before he enters upon the duties of his office, upon which bonds the like proceedings and remedies may be had, as are by law provided in case of constables' bonds taken by the selectmen of towns.

And the mayor and aldermen shall have the ^{Licenses.} same power to grant licenses to innholders, victuallers and retailers within the city, which is possessed by the mayor and aldermen of the city of Boston.

The city council shall annually, as soon after ^{To appoint certain officers.} their organization as may be convenient, elect, by joint ballot in convention, a treasurer and collector of taxes, a chief engineer, a city clerk, and three assessors of taxes, and fix their compensations. They shall, also, in such manner as they shall determine, appoint or elect all other subordinate officers, for whose election or appointments other provision is not herein made, define their duties and fix their compensations.

* Further powers. Act of 1851, ch. 162.

Sittings
public.

All sittings of the common council shall be public, and all sittings of the mayor and aldermen shall also be public, when they are not engaged in executive business.

The city council shall take care that no moneys be paid from the treasury, unless granted or appropriated; shall secure a just and proper accountability by requiring bonds, with sufficient penalties and sureties, from all persons trusted with the receipt, custody or disbursement of money; shall have the care and superintendence of the city buildings, with power to let, or to sell what may be legally sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may, in their judgment, require it. And the city council shall, as often as once in a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property.

Mayor to
nominate.

SECT. 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination; such nomination, however, being subject to be confirmed or rejected by the board of aldermen: *provided, however,* that no person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment, shall be a member of the board of aldermen or of the common council.

Members of
City Council
not eligible
to offices of
emolument.

SECT. 10. The city clerk shall also be clerk

of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and he shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in, the town clerk of the town of Roxbury. He shall be chosen for one year, and until another shall be chosen and qualified in his place; but may be at any time removed by the city council.

SECT. 11. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect by ballot one person in each ward to be an overseer of the poor, who shall be a resident of said ward; and the person thus chosen, together with the mayor, shall constitute the board of overseers of the poor, and shall have all the powers and be subject to all the duties now by law appertaining to the overseers of the poor for the town of Roxbury.

The qualified voters shall, at the same time and in the same manner, elect three persons from the city at large, and two persons from each ward, to be members of the school committee: and the persons thus chosen shall constitute the school committee, and have the care and superintendence of the public schools.*

The qualified voters shall, at the same time and in like manner, elect one person in each ward to be an assistant assessor, who shall be a resident of said ward; and it shall be the duty

* Vacancies how filled. Act of 1857, chap. 266.

of the persons so chosen to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards, and they shall be sworn to the faithful performance of their duty.

Assessors.

The persons to be chosen by the city council as assessors, shall constitute the board of assessors, and shall exercise the powers and be subject to the duties and liabilities of assessors in towns.

Council may make further provision for collection of Taxes.

All taxes shall be assessed, apportioned and collected in the manner prescribed by law relative to town taxes: *provided, however*, that it shall be lawful for the city council to establish further and additional provision for the collection thereof.

Vacancies how filled.

Should there fail to be a choice of overseers of the poor, members of the school committee, or assistant assessors in any ward, the vacancy or vacancies shall be filled by the city council in convention, in the same manner that is provided for filling vacancies in the senate of this Commonwealth.

Highways.

SECT. 12. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering, or discontinuing any street or way, shall first be acted upon by the mayor and aldermen. And any person dissatisfied with the decision of the city council in the estimate of damages, may make complaint

Appeal to County Commissioners.

to the county commissioners of the county of Norfolk, at any meeting held within one year after such decision ; whereupon the same proceedings shall be had as are now provided by the laws of the Commonwealth in cases where persons are aggrieved by the assessment of damages by selectmen, in the twenty-fourth chapter of the Revised Statutes.

SECT. 13. All power and authority now by ^{Health.} law vested in the board of health for the town of Roxbury, or in the selectmen of said town, shall be transferred to, and invested in the city council, to be carried into execution in such manner as the city council shall deem expedient.

SECT. 14. The city council shall have au- ^{Common Sewers.}thority to cause drains and common sewers to be laid down through any street or private lands, paying the owners such damages as they may sustain thereby ; and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer.

And the city council may make by-laws, with ^{Inspection of Lumber, &c.} suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, coal and bark, brought into the city for sale.

SECT. 15. All fines, forfeitures and penal- ^{Prosecutions for breach of City Laws, &c.}ties, accruing for the breach of any by-laws of the city of Roxbury, or of any of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered before any justice of the peace in said city of Roxbury, by com-

plaint or information in the name of the Commonwealth, in the same way and manner in which other criminal offences are now prosecuted before the justices of the peace within this Commonwealth ; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the court of common pleas, then next to be held in the county of Norfolk, from the judgment and sentence of any justice of the peace.

And the appeal shall be allowed on the same terms and the proceedings be conducted therein in the same manner as provided in the one hundred and thirty-eighth chapter of the Revised Statutes of this Commonwealth.

And it shall be sufficient in all such prosecutions to set forth in the complaint the offence fully, plainly, substantially, and formally, and it shall not be necessary to set forth such by-law, ordinance, or order, or any part thereof.

All fines, forfeitures and penalties so recovered and paid, shall be paid to the treasurer of the city of Roxbury, and shall enure to such uses as said city council shall direct.

When any person upon any conviction before a justice of the peace, for any breach of any by-laws of said city of Roxbury, or any of the ordinances of the city council, or any of the orders of the mayor and aldermen, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture, provided by any such by-law, ordinance or order, or upon claiming an appeal, shall fail to recognize for his appear-

ance at the court appealed to, and there to prosecute his appeal and to abide the sentence or order of the court thereon, and in the mean time to keep the peace and be of good behavior, and upon not paying the fine, penalty or forfeiture, and costs so assessed upon him, he shall be committed to prison, there to remain until he or she shall pay such fine, forfeiture or penalty and costs, or be otherwise discharged according to law.

The provisions of this section shall also apply to all prosecutions founded on the by-laws or ordinances of the town of Roxbury, which may continue in force after this act shall go into operation.

SECT. 16. It shall be the duty of the city ^{Representatives.} council annually, in the month of October, to meet in convention and determine the number of representatives to be elected by the city to the General Court in such year, which shall be conclusive, and the number thus determined shall be specified in the warrant calling meetings for the election of representatives.

SECT. 17. All elections for County, State, ^{Proceedings at and after meetings for election of County, State, and Federal officers.} and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings all the votes given for said several officers respectively, shall be assorted, counted, declared and registered in open ward meeting, by causing the names of all persons voted for,

and the number of votes given for each, to be written in the ward record in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and aldermen shall within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the Constitution, and the laws of the Commonwealth.

List of
voters.

SECT. 18. Prior to every election the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists and be entitled to the assistance of all assessors, assistant assessors, and the city officers, and they shall deliver said lists, so prepared and corrected, to the clerks of said wards, to be used at such elections; and

no person shall be entitled to vote whose name is not borne on such list.

SECT. 19. General meetings of the citizens Meetings of the citizens. qualified to vote, may, from time to time, be held, to consult upon the public good; to instruct their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the Constitution of this Commonwealth. And such meetings may and shall be duly warned, by the mayor and aldermen, upon the requisition of fifty qualified voters.

SECT. 20. For the purpose of organizing the First organization of the City Government. system of government hereby established, and putting the same into operation in the first instance, the selectmen of the town of Roxbury for the time being, shall, on some day during the months of March and April of the present year, issue their warrants seven days at least previous to the day so appointed for calling meetings of the said citizens at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act, and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of such ward, at said first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same, and in case said elections should not be completed at the first meeting, then to issue

new warrants until such elections shall be completed ; and to give notice thereof in the manner hereinbefore provided to the several persons elected. And at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as hereinbefore provided. And the selectmen shall appoint such time for the first meeting of the city council as they may judge proper, after the choice of city officers as aforesaid, or a majority of the members of both branches, in the year one thousand eight hundred and forty-six, and shall also fix upon the place and the hour of said first meeting, and a written notice thereof shall be sent by said selectmen, to the place of abode of each of the city officers chosen, as provided in this section. And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act.

And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices respectively until others are chosen and

qualified; and at the meetings to be called, as prescribed in this section, for the choice of ward and city officers, the said inhabitants may, and shall also give in their votes for county officers, which votes shall be recorded, certified and returned in the manner provided in the seventeenth section of this act.

SECT. 21. The city council shall have power to make all such salutary and needful by-laws, as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, or other authority whatever; *provided, however,* that all laws and regulations now in force in the town of Roxbury shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-laws, or ordinance, shall be paid into the city treasury.

SECT. 22. The annual town meeting for the town of Roxbury, which by law is required to be held in the month of March, or April, is hereby suspended, and all town officers now in office, shall hold their places until this act shall go into operation; and in case this charter shall not be accepted in the manner and form as hereinafter provided, then the selectmen shall issue their warrant according to law, for holding the annual town meeting of the inhabitants,

Power of
the City
Council to
make
By-laws.

Annual town
meeting
suspended,
&c., and
town officers
to hold over,
&c.

in which all the proceedings shall be the same as if this act had not been passed.

Delivery, &c.
of Records to
City Clerk.

SECT. 23. All officers of the town of Roxbury, having the care and custody of any records, papers or property belonging to said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office.

Repeal of
inconsistent
provisions.

SECT. 24. All such acts, and parts of acts, as are inconsistent with the provisions of this act, shall be, and the same are hereby repealed.

Legislature
may alter
and amend
this act.

SECT. 25. Nothing in this act contained shall be so construed as to prevent the Legislature from altering or amending the same, whenever they shall deem it expedient.

Act to be
void unless
accepted
by the
inhabitants.

SECT. 26. This act shall be void unless the inhabitants of the town of Roxbury, at a legal town meeting called for that purpose, shall by a vote of a majority of the voters present, and voting thereon, by a written ballot determine to adopt the same within twenty days from and after its passage.

When to
take effect.

SECT. 27. This act shall go into operation from and after its passage.

[Passed March 12, 1846.]

EXTRACT FROM THE RECORDS OF THE TOWN OF
ROXBURY.

At a meeting of the Freeholders and other Inhabitants of the town of Roxbury, qualified to vote in town affairs, duly warned and legally assembled at the Town Hall, in said town, on Wednesday, the twenty-fifth day of March, A. D. 1846.

ART. 1. John J. Clarke, Esq., was chosen Moderator.

The Town voted that the Poll be closed at six o'clock this day.

ART. 2. The qualified voters were called upon by the Moderator to bring in their ballots, Yea or Nay, for the acceptance or rejection of the Act of the Legislature to "Establish the City of Roxbury."

The same being sorted and counted, it appeared that the whole number of ballots given in was one thousand and twenty-eight.

Eight hundred and thirty-six Yeas.

One hundred and ninety-two Nays.

Whereupon the Moderator then declared that the "Act to Establish the City of Roxbury," had been accepted by the people.

The meeting was then dissolved.

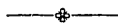
A true Record.

Attest : NATH'L S. PRENTISS, *Town Clerk.*

August 31, 1846. A true copy from the Record.

JOSEPH W. TUCKER, *City Clerk.*

AMENDMENT.



COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Fifty.

An Act in addition to an Act to establish the City of
Roxbury.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows :*

SECT. 1. The several municipal officers whose election by the people is provided for in the act to which this is in addition, shall, subsequently to the March election of the present year, be chosen on the second Monday of December, annually, and shall enter upon the duties of their respective offices on the first Monday in January, each year ; but the officers chosen for the municipal year, commencing with the first Monday of April next, shall hold their offices only until the first Monday of January ensuing.

SECT. 2. So much of the sixth section of the act to which this is an addition, as relates to warden, clerk and inspectors, is hereby repealed.

SECT. 3. Any vacancy in the office of overseer of the poor, assistant assessor, or school committee, may be filled in the manner provided in the sixth section of that act to which this is in addition, for filling vacancies in the common council.

SECT. 4. The list of jurors in the city of Roxbury, shall be prepared by the mayor and aldermen of the city, in the same manner as is required in the ninety-fifth chapter of the Revised Statutes, to be done by the selectmen, within and for their respective towns; and the lists, when made out by the mayor and aldermen, shall be submitted to the common council for concurrent revision or amendment.

SECT. 5. The said mayor and aldermen, and the clerk of the city, shall severally have and exercise, all the powers and duties, with regard to the drawing of jurors in the city of Roxbury, and all other matters relating to jurors therein, which are, in the ninety-fifth chapter of the Revised Statutes, required to be performed by the selectmen and town clerks in their respective towns; and all venires for jurors to be returned from Roxbury, shall be served on said mayor and aldermen.

SECT. 6. This act shall be void, unless approved by the voters of Roxbury, at meetings held simultaneously in the several wards, upon notice duly given, at least seven days before the time of said meetings and within thirty days after the passage of this act.

SECT. 7. The mayor and ward officers chosen under this act, shall hold their respective offices for one year, and until others shall have been chosen in their places and qualified to act.

SECT. 8. This act shall take effect from and after its passage.

[Approved by the Governor, Feb. 12, 1850.]

ACCEPTANCE OF THE AMENDMENT.

IN BOARD OF ALDERMEN, Feb. 25, 1850.

Ordered, That Aldermen Young and Ward be a committee to examine the returns of votes from the several wards, as given in this day upon an amendment to the city charter, who subsequently reported as follows :

The special committee to whom was referred the returns of votes from the several wards, as given in this day upon an amendment to the city charter, entitled "An Act in addition to an Act to Establish the City of Roxbury," passed February 12, 1850, submit the following report :

The whole number of ballots given in the several wards was one hundred and twenty-four.

For the amendment to the city charter, *one hundred and fifteen* ; against the amendment, *nine*.

No return was received from Ward Seven.

C. YOUNG, }
R. WARD, } *Committee.*

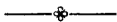
Report read and accepted, and the amendment declared to be adopted.

A true copy from the Record.

Attest,

JOSEPH W. TUCKER, *City Clerk.*

AMENDMENT.



COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Fifty-Two.

An ACT in further addition to an Act to establish the
City of Roxbury.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows :*

SECT. 1. The number of wards of said city shall be five, and each ward respectively, shall embrace the same territory as at present, unless altered as hereinafter provided. It shall be the duty of the city council, once in five years, to revise, and, if it be needful, to alter said wards in such manner as to preserve, as nearly as may be, an equal number of voters in each ward.

SECT. 2. The second section of the said act, entitled "An Act to establish the City of Roxbury," is hereby so far amended, that from and after the election of the five additional common councilmen for the current municipal year, whose election is hereinafter provided for, the council called the common council, shall consist of twenty.

SECT. 3. The mayor and eight aldermen, one alderman to be selected from each ward, and three aldermen from the city at large, shall be elected annually, by the qualified voters of the city at large, voting in their respective wards, and four common councilmen shall be elected annually from and by the voters of each ward, who shall be residents of the wards in which they are elected; all of said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday of January, and the mayor until another shall be elected and qualified in his place; all of said officers shall be elected on the second Monday of December annually, and shall enter upon the duties of their respective offices on the first Monday of January each year.

SECT. 4. There shall be elected, at such time in the month of February or March, of the present year, as the mayor and aldermen shall appoint, by the qualified voters of the city at large, voting in their respective wards, three aldermen from the city at large, in addition to those already elected from wards, and one common councilman shall be elected from and by the voters of each ward, in addition to those already elected; and the common councilmen so elected shall be residents of the wards in which they are elected; all of said officers shall be chosen by ballot, and shall enter upon the duties of their respective offices as soon as may be after their election, and shall hold their respective offices until the first Monday of January next; and in case of failure of election, of either of said aldermen or common councilmen, or in case of vacancy from any other cause, the mayor and aldermen shall order a new election for the purpose of fill-

ing such vacancy, as is provided in the sixth section of the act to which this is in addition.

SECT. 5. This act shall be void, unless the inhabitants of Roxbury, at any general meeting, duly warned by public notice, of at least seven days, by the mayor and aldermen, shall, (within thirty days from the passage hereof,) by written vote, adopt the same.

SECT. 6. All acts, or parts of acts, inconsistent herewith, are hereby repealed.

SECT. 7. This act shall take effect from and after its passage.

[Approved by the Governor, Feb. 11, 1852.]

ACCEPTANCE OF THE AMENDMENT.

EXTRACT FROM THE RECORDS OF THE CITY OF ROXBURY.

At a meeting of the Inhabitants of the city of Roxbury, qualified to vote in elections, duly warned and legally assembled at the City Hall, in said city, on Monday, the twenty-third day of February, 1852.

ART. 1. Laban S. Beecher, Esq., was chosen Moderator.

It was voted that the Poll be closed at 7 o'clock.

ART. 2. The qualified voters were called upon by the Moderator to bring in their ballots, Yea or Nay, for the acceptance or rejection of the act of the Legislature, entitled "An Act in further addition to an Act to establish the City of Roxbury," passed Feb. 11, 1852.

The same being sorted and counted, it appeared that the whole number of ballots given in, was two hundred and fifty-eight.

Two hundred and forty-five Yeas.

Thirteen Nays.

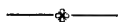
Whereupon the Moderator then declared that the "Act in further addition to an Act to establish the City of Roxbury," had been accepted by the people.

The meeting was then dissolved.

A true Record.

JOSEPH W. TUCKER, *City Clerk.*

SPECIAL LAWS.



An ACT relating to a Public Cemetery in the City of
Roxbury.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows :*

SECT. 1. The city council of Roxbury is hereby authorized to elect, by joint ballot in convention, a board of five commissioners, for the term of five years, who shall have the sole care, superintendence and management of the Rural Cemetery, established by said city council; one member of which board shall go out of office each year, and one member shall be chosen annually in the month of March: but said board or either member thereof, after having had an opportunity to be heard in his or their defence, may be removed at any time, by a concurrent vote of two-thirds of each branch of the city council; and in case of a vacancy in said board of commissioners, by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another commissioner in the manner aforesaid, who shall hold his office for the residue of the term for which such member, so deceased, resigned or removed, would have held the

same. Said board may be organized by the choice of a chairman and secretary from their own number, and a major part of said board shall constitute a quorum for the exercise of the powers and the performance of the duties of said office. And the term for which the several members of the first board of commissioners shall hold their office, shall be determined by the city council as follows: The commissioner first chosen, shall hold his office for five years; the commissioner next chosen, shall hold his office for four years; the commissioner next chosen, shall hold his office for three years; the commissioner next chosen, shall hold his office for two years; and the commissioner next chosen, shall hold his office for one year.

SECT. 2. The said board of commissioners shall set apart and appropriate a portion of said cemetery as a public burial place for the use of the inhabitants of the city of Roxbury, free of any charge therefor; and they shall lay out said cemetery in suitable lots, or other subdivisions, for family or other burying places, with all the necessary paths and avenues, and may plant and embellish the same with trees, shrubs, flowers, and other rural ornaments, and may inclose and divide the same with proper fences, and erect or annex thereto such suitable edifices, appendages and conveniences, as they shall from time to time deem expedient; and said board may make all necessary by-laws, rules and regulations, in the execution of their trust, not inconsistent with this act and the laws of the Commonwealth, as they shall deem expedient.

SECT. 3. Said board of commissioners shall have authority to grant and convey to any person or persons, by deeds duly executed, the sole and exclusive

right of burial, and of erecting tombs, cenotaphs, and other monuments in any of the designated lots or subdivisions of said cemetery, upon such terms and conditions as they shall by their rules and regulations prescribe.

SECT. 4. The proceeds of sales of lots or rights of burial in said cemetery, shall be paid into the city treasury, to be kept separate from any other funds of the city, and subject to the order of said commissioners, and such proceeds shall be devoted to the liquidation of the debt incurred in the purchase of the land for said cemetery, and to the improvement and embellishment thereof, as aforesaid, under the direction of said board of commissioners. And no other moneys shall be appropriated from the city treasury by the city council, for such improvement and embellishment.

SECT. 5. Said board of commissioners shall annually, in the month of February, and whenever required by the city council, make and render a report in writing of all their acts and proceedings, and of the condition of the cemetery, and an account of the receipts and expenditures for the same, and the funds subject to their order.

SECT. 6. This act shall be void unless the city council of Roxbury shall accept the same at a meeting of said city council, called for that purpose, within thirty days after its passage.

SECT. 7. This act shall take effect from and after its passage.

[Approved by the Governor, March 24, 1848.]

[Accepted by the City Council.]

An Act to Regulate the Storage and Transportation of
Gunpowder in the City of Roxbury.

Be it enacted, &c., as follows :

SECT. 1. No person shall keep or have, in any building or other place, within one hundred and fifty yards of any wharf or main land, in the city of Roxbury, any quantity of gunpowder, exceeding twenty-five pounds, except in the discharge of military duty, or as hereinafter provided.

SECT. 2. The mayor and aldermen of said city of Roxbury may grant licenses for the sale of gunpowder in said city, which shall continue in force one year, unless sooner annulled by said mayor and aldermen ; and said mayor and aldermen may at any time annul said licenses for good cause ; and said mayor and aldermen may at any time within the year for which the said license may be granted, or from year to year, renew the same. For each original license there shall be paid a fee of five dollars, and for each renewal thereof a fee of one dollar, to be paid to the treasurer of said city.

SECT. 3. The mayor and aldermen may make and establish rules and regulations relative to the times and places of transporting gunpowder in, through and over said city, or any part thereof, either by land or water ; the kind of carriages, boats, ships or vessels, in and by which the same shall be transported ; the manner in which gunpowder shall be kept by such persons as have been licensed to keep the same ; and all such other rules and regulations relative to the keeping or transportation of gunpowder in said Rox-

bury, except in the performance of military duty, as to them may seem needful or expedient.

SECT. 4. Any gunpowder had and kept in said city or transported in and through the same, except in the performance of military duty, or under a license, as hereinbefore provided, may be seized by any engineer of the fire department of said city, and by him safely kept, until disposed of, as hereinafter provided.

SECT. 5. When any gunpowder shall be so seized, the person seizing shall libel the same, in the manner provided by the one hundred and eighteenth chapter of the Revised Statutes, for the "seizing and libelling of forfeited goods;" and the same proceedings shall be had upon and in pursuance of said libel, as are provided in said chapter, from the twentieth to the thirty-fifth sections thereof, both inclusive, so far as said proceedings may conveniently be applied to the article of gunpowder; and all the provisions of that portion of said chapter above referred to shall be in force in relation to the seizure of gunpowder as above provided, as fully as if the article of gunpowder were specially mentioned therein.

SECT. 6. Either of the engineers of the fire department of said city, may at any time enter the place of business of any party licensed to keep gunpowder, for the purpose of ascertaining whether or not the provisions of this act, and the conditions of such party's license, have been duly observed and complied with.

SECT. 7. The rules and regulations hereinbefore referred to, relative to the transportation and keeping of gunpowder in said city, shall be posted up in reasonable time after the making thereof, in not less than

eight public places in said city, and published in one or more newspapers printed in the county of Norfolk, and among the regular rules and ordinances of said city.

[Approved by the Governor, April 21, 1848.]



An ACT to annex a part of the City of Roxbury to the City of Boston.

Be it enacted, &c., as follows :

SECT. 1. The boundary line between the city of Boston and the city of Roxbury, southeasterly of Harrison Avenue, is hereby altered and established as follows, to wit:—beginning at a point in the present boundary line, at the centre of the Roxbury canal, (so called,) thence running in the centre of said canal, to a point in the same, situate one thousand and seven feet from the southeasterly side of Harrison Avenue, measuring southeasterly, and in the range of the westerly side of Worcester street, in said Boston; thence running in a straight line, northeasterly, about twenty-six hundred and twenty-two feet, to a pile monument in the Roxbury channel, in the present line; and all that portion of land, or flats, northwest of the line hereby established, is hereby annexed to, and made a part of, the said city of Boston, in the county of Suffolk: *provided, however*, that the territory so transferred, shall, for the purpose of electing senators, continue to be, and remain a part of, the city of Roxbury; and that all the inhabitants residing upon it shall, until otherwise constitutionally provided, always enjoy, in relation to the election of senators, all the rights and privileges of, and in relation to, voting in the said city

of Roxbury, which they would have possessed if this act had not been passed ; such voting to be in the ward whereof the place of voting shall be, for the time being, nearest to the westerly corner of the said territory.

SECT. 2. The mayor and aldermen of the city of Boston shall cause suitable monuments to be erected and continued, showing the line between the said city of Boston, as it has existed by said territory hitherto, and shall cause the same to be perambulated in like manner, and with the like penalties for neglect, as now by law is or are provided in respect to other boundary lines of cities and towns, such penalties to be recovered against the said city of Boston.

SECT. 3. The mayor and aldermen of the city of Boston shall, annually, furnish to the city authorities of Roxbury, forty-eight hours at least before any senatorial election, correct lists, so far as may be ascertainable from the records and doings of the said city of Boston, or any of its officers, of all persons resident in the territory hereby set off, who shall be entitled to vote for senators, as aforesaid, in the said city of Roxbury ; and the said city of Boston, for every neglect of its said mayor and aldermen so to furnish such list, shall forfeit the sum of one hundred dollars ; and for the making of a false return in respect to any part of such list, shall forfeit the sum of twenty dollars for every name, in respect to which a false return shall have been made, to be recovered in the same manner as is provided by the fourth section of the third chapter of the Revised Statutes, in respect to penalties for neglect or false returns by collectors of towns.

[Approved by the Governor, May 3, 1850.]

An ACT in addition to an Act relating to a Public Cemetery in the City of Roxbury.

Be it enacted, &c., as follows :

SECT. 1. The board of commissioners of the Rural Cemetery in Roxbury, elected by the city council, pursuant to an act approved March twenty-fourth, one thousand eight hundred and forty-eight, are authorized to take and hold any grant, donation or bequest of property upon trust, to apply the same, or the income thereof, for the improvement or embellishment of the said cemetery, or for the erection, repair, preservation, or renewal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving the said premises in any other manner or form, consistent with the purposes for which said cemetery is established, according to the terms of such grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit shall be made by the proprietor of any lot in said cemetery, for the annual repair, preservation or embellishment of such lot and the erections thereon, the said commissioners may give to such proprietor, or his representative, an agreement or obligation, in such form, and upon such terms and conditions as they may establish, binding themselves and their successors to preserve and keep in repair said lot, forever, or for such period as may be agreed on.

SECT. 2. Any sums of money, so received by said commissioners, shall be invested by the city treasurer of Roxbury, under the direction of said commissioners, in public stocks, or mortgages of real estate, and all such property received under the provisions of the

foregoing section (unless other provision is made by the terms of any such grant, donation or bequest,) shall be made under the charge of said city treasurer, but shall always remain separate from and independent of any other moneys or property belonging to the city of Roxbury, and free from the control of the city council. And the income of such fund or funds shall be received by said treasurer, subject to the order of said commissioners, and shall be appropriated by them in such manner as shall, in their opinion, best promote the purposes for which said grants, donations, bequests or deposits are made.

SECT. 3. The city of Roxbury shall be responsible for the good faith of said commissioners and the treasurer of said city, in the execution of any trust which they may assume pursuant to the foregoing provisions. But said commissioners shall not be liable to make any renewal or reconstruction of any monument, or other erection, on any lot in said cemetery, unless such liability shall be expressed in the agreement given by them as aforesaid, or in the terms and conditions under which they accept any grant, donation, or bequest.

SECT. 4. This act shall be void, unless the city council of Roxbury shall accept the same at a meeting of said council called for that purpose, within thirty days after its passage.

SECT. 5. This act shall take effect from and after its passage.

[Approved by the Governor, Feb. 25, 1852.]

[Accepted by the City Council.]

An Act to extend Albany Street, in the City of Boston.

Be it enacted, &c., as follows :

SECT. 1. The city of Boston is hereby authorized to construct and maintain a bridge over Roxbury Creek, in continuation of Albany Street, upon such line as shall be agreed upon between the mayor and aldermen of Boston and the mayor and aldermen of Roxbury: *provided*, that said bridge shall be furnished with a draw of such dimensions, and built in such manner, as shall be approved by a commissioner to be appointed by the Governor, the fee of such commissioner to be paid by the city of Boston.

SECT. 2. This act shall take effect from and after its passage.

[Approved by the Governor, March 19, 1855.]

An Act in addition to an Act to Regulate the Storage and Transportation of Gunpowder in the City of Roxbury.

Be it enacted, &c., as follows :

SECT. 1. Whenever by virtue of an act to regulate the storage and transportation of gunpowder in the city of Roxbury, passed the twenty-first day of April, in the year eighteen hundred and forty-eight, any gunpowder shall be seized and libelled, and upon the trial it shall appear that such gunpowder was lawfully seized, the same shall be decreed to be forfeited, and shall be disposed of according to the provisions of the one hun-

dred and eighteenth chapter of the Revised Statutes concerning the seizing and libelling of forfeited goods.

SECT. 2. This act shall take effect from and after its passage.

[Approved by the Governor, May 3, 1855.]

An Act relating to the Public Cemetery of the City of Roxbury.

Be it enacted, &c., as follows :

SECT. 1. The real estate belonging to the Forest Hills Cemetery, purchased by the commissioners of said Forest Hills Cemetery, of Joel Seaverns, in pursuance of an order of the city council of the city of Roxbury, passed on the twenty-seventh of September, in the year eighteen hundred and fifty-two, shall be exempt from all public taxes so long as the same shall remain dedicated for the purposes of a cemetery.

SECT. 2. This act shall take effect from and after its passage.

[Approved by the Governor, June 4, 1856.]

An Act relating to the Fire Department of the City of Roxbury.

Be it enacted, &c., as follows :

SECT. 1. The engineers of the fire department of the city of Roxbury, shall have the same authority in regard to the prevention and extinguishment of fires, and the performance of other offices and duties, as are now conferred upon fire-wards, by the statutes of this Commonwealth.

SECT. 2. The said engineers shall have authority, in compliance with any ordinance of said city, to make an examination of places where shavings and other combustible materials are deposited, and to require the removal of such materials, or the adoption of suitable safeguards against fire. And the city council of said city, are hereby authorized to make suitable ordinances, on the subject referred to in this section, and to annex penalties, not exceeding twenty dollars, for the breach thereof.

SECT. 3. Nothing in this act contained, shall be construed as taking away any right, power or authority now given by law to the engineers, or other officers of said fire department.

SECT. 4. This act shall be void, unless the city council of said city, shall, by a concurrent vote, accept the same within twenty days from and after its passage.

[Approved by the Governor, May 18, 1857.]

[Accepted by the City Council, July 6, 1857.]



An ACT relating to a Channel called the "Roxbury Canal."

Be it enacted, &c., as follows :

SECT. 1. No vessel entering into, or being in the channel, situated partly in Roxbury and partly in Boston, known as the "Roxbury Canal," shall occupy such a position therein, as unnecessarily or unreasonably to obstruct the passage of any other vessel in said channel; and for every offence against the provisions of this section, the master, commander or owners of such vessel so obstructing as aforesaid, or either of

them, shall be subject to a penalty not exceeding ten dollars for each and every offence.

SECT. 2. Any person who shall, in any manner not mentioned in the preceding section, unreasonably or unnecessarily obstruct the passage of any vessel in said channel, shall be subject to a penalty not exceeding ten dollars for each and every offence.

SECT. 3. The harbor master, who may be elected as hereinafter mentioned, may order the position of any vessel, lying or being in said channel, to be changed so that any other vessel may conveniently pass therein ; and the master or commander of any vessel who shall neglect or refuse to obey any such order of said harbor master, shall be subject to a penalty not exceeding ten dollars for each and every offence.

SECT. 4. The city council of the city of Roxbury may, if they shall deem it expedient, annually elect by a concurrent vote of both branches, a harbor master, who shall hold his office for one year, and until another shall be appointed in his place, or until he shall be removed by the city council ; and before entering upon the duties of his office, he shall give a bond to said city of Roxbury, with sufficient sureties, to the satisfaction of the mayor and aldermen of said city of Roxbury, in such penal sum as said mayor and aldermen shall direct, conditioned for the faithful discharge of the duties of said office ; and in case of the sickness or disability of said harbor master, he may appoint a deputy, subject to the approval of said mayor and aldermen, to perform his duties during said sickness or disability ; and said harbor master shall be allowed and paid quarterly, out of the city treasury, such salary

for his services as the city council shall, from time to time, establish.

SECT. 5. It shall be the duty of said harbor master to enforce the execution of the several provisions of this act, and all other laws of the Commonwealth, relating to said channel.

SECT. 6. Any person who shall obstruct said harbor master in the performance of any of his duties, or shall neglect or refuse to obey any lawful order made by said harbor master, shall be subject to a penalty not exceeding ten dollars for every offence.

SECT. 7. All the several penalties mentioned in this act, shall inure to the use of said city of Roxbury, and may be prosecuted for and recovered, before the police court of the city of Roxbury, by complaint or information, in the name of the Commonwealth, in the same way and manner in which other criminal offences are now prosecuted; reserving, however, in all cases, to any party convicted, the right of appeal from the judgment and sentence of said court, to the court of common pleas, next after such conviction, to be held within and for the county of Norfolk; and the appeal shall be allowed on the same terms, and the proceedings therein conducted in the same form and manner as are by law provided, in respect to appeals from the judgment and sentence of said police court in criminal cases.

[Approved by the Governor, March 1, 1859.]

An Act in relation to Sidewalks in the City of Roxbury.

Be it enacted, &c., as follows :

SECT. 1. The mayor and aldermen of the city of Roxbury are hereby authorized and empowered to construct sidewalks in any of the streets in said city, and to furnish all edge stones for the same, and to assess the expense of all such edge stones upon the owners of land abutting on the sidewalks so constructed, in proportion to the length of lines of their respective estates; and said owners shall be bound and obliged to pay the amounts so assessed: and in case any such owner or owners shall refuse to pay the amounts so assessed, within such time as said mayor and aldermen shall designate, then such amount or amounts may be recovered by an action of contract, to be brought by said city of Roxbury before any court or tribunal having competent jurisdiction in the premises.

SECT. 2. All acts or parts of acts inconsistent herewith, are hereby repealed.

SECT. 3. This act shall take effect from its passage.

[Approved by the Governor, April 4, 1860.]

An Act to change the Boundary Line of the Cities of Boston and Roxbury, between Shawmut Avenue and Tremont Street.

Be it enacted, &c., as follows :

SECT. 1. The boundary line between the cities of Boston and Roxbury is hereby altered and established as follows: beginning at the intersection of the present boundary line with the easterly side of Shawmut Ave-

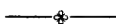
nue ; thence crossing said avenue to a point twenty-five feet distant from the south-westerly side of Hammond Street at its intersection with Shawmut Avenue ; thence parallel with the south-westerly side of Hammond Street, to the westerly side of Tremont Street ; and thence running by the westerly side of Tremont Street, till it intersects the present boundary line between the two cities ; and all the land in Roxbury north-easterly of the line hereby established, is annexed hereby to the city of Boston, and shall constitute a part of the eleventh ward thereof, until a new division of wards shall be made : *provided*, this act shall not affect the present apportionment for the choice of senators and representatives to the General Court, and of councillors.

SECT. 2. This act shall not go into effect, until the same shall be accepted by the city councils of the cities of Boston and Roxbury.

[Approved by the Governor, April 3, 1860.]

[Accepted by the City Council of Roxbury, April 16, 1860, and by the City of Boston, May, 1860.]

GENERAL STATUTES.



Of the Qualifications of Electors.

SECT. 1. Every male citizen of twenty-one years of age and upwards, (except paupers, persons under guardianship, and persons excluded by articles twenty and twenty-three of the amendments to the constitution,) who has resided within the State one year, and within the city or town in which he claims a right to vote six months next preceding any election of city, town, county, or state officers, or of representatives to Congress, or electors of President and Vice-President, and who has paid, by himself, his parent, master, or guardian, a state or county tax assessed upon him in this state within two years next preceding such election, and every citizen exempted from taxation but otherwise qualified, shall have a right to vote in all such elections; and no other person shall have such right to vote.

SECT. 2. The collectors of state and county taxes in each city and town shall keep an accurate account of the names of all persons from whom they receive payment of any state or county tax, and of the time of such payment; and upon request shall deliver to the person paying the same a receipt specifying his name

and time of payment ; and such receipt shall be admitted as presumptive evidence thereof.

SECT. 3. The collectors, whether the time for which they were chosen has expired or not, shall twice in each year, namely, once not more than twenty nor less than fifteen days before the annual city or town elections, and once not more than twenty nor less than fifteen days before the Tuesday next after the first Monday in November, return to the mayor and aldermen and selectmen of their respective cities and towns, an accurate list of all persons from whom they have received payment of any state or county tax subsequently to the time appointed for making their last preceding return.

SECT. 4. Every collector neglecting to make such return shall forfeit one hundred dollars for each neglect ; and twenty dollars for every name in respect to which he makes a false return.

SECT. 5. The mayor and aldermen and selectmen of cities and towns shall, at least ten days before the annual city and town elections and at least ten days before the Tuesday next after the first Monday in November annually, make correct alphabetical lists of all the persons qualified to vote for the several officers to be elected at those periods, and shall at least ten days before said elections cause such lists to be posted up in two or more public places in their respective cities and towns.

SECT. 6. The mayor and aldermen and selectmen shall be in session at some convenient place for a reasonable time, within forty-eight hours next preceding all meetings for the elections of the officers aforesaid, for the purpose of receiving evidence of the qualifica-

tions of persons claiming a right to vote in such elections, and of correcting the lists of voters. Such session shall be holden for one hour at least before the opening of the meeting on the day of the election, and notice of the time and place of holding the sessions shall be given by the mayor and aldermen and selectmen upon the lists posted up as aforesaid.

SECT. 7. In every place where the number of qualified voters exceeds one thousand, a like session of the mayor and aldermen or selectmen shall be holden on the day immediately preceding the meeting, and for as much longer time previous to said day as they judge necessary for the purpose aforesaid. When the day immediately preceding such meeting is Sunday, such session shall be holden on the Saturday preceding.

SECT. 8. The selectmen shall also enter on such lists the name of any person known to them to be qualified to vote, and shall erase therefrom the name of any person known to them not to be qualified.

SECT. 9. The mayor and aldermen and selectmen before entering upon the lists the name of a naturalized citizen, shall require him to produce for their inspection his papers of naturalization and be satisfied that he has been legally naturalized; but they need not require the production of such papers after they have once examined and passed upon them.

SECT. 10. Whoever gives a false name or a false answer to the mayor and aldermen or selectmen when in session for the purposes aforesaid, shall forfeit the sum of thirty dollars for each offence.

SECT. 11. The mayor and aldermen and selectmen, if they have duly entered on said lists the names of all

persons returned to them by the collectors, shall not be answerable for any omissions therefrom.

SECT. 12. A city or town officer who wilfully neglects or refuses to perform any duty required of him by the provisions of this chapter, shall for each offence forfeit a sum not exceeding two hundred dollars.

[General Statutes, Chap. 6.]

Of certain Powers and Duties of Cities.

SECT. 1. The several cities shall continue to have and exercise all the powers and privileges, and be subject to all duties and liabilities mentioned in the acts establishing such cities and in the several acts relating thereto.

SECT. 2. Chapter eighteen and all other laws relating to towns, shall apply to cities so far as they are not inconsistent with the general or special provisions relating thereto; and cities shall be subject to the liabilities, and city councils shall have the powers of towns; the mayor and aldermen shall have the powers and be subject to the liabilities of selectmen, and the city clerks, treasurers, and other city officers, those of corresponding town officers, if no other provisions are made in relation thereto.

SECT. 3. The mayor of a city may, with consent of the board of aldermen, remove from office a constable for gross misconduct.

SECT. 4. At the first election held after a new division of wards in a city, the ward officers chosen under the preceding division shall officiate in the numerical ward for which they were chosen, and shall continue

to act there until others are chosen and qualified in their stead.

SECT. 5. Officers chosen at a meeting called by the mayor and aldermen of a city, after such new division into wards, shall hold their offices until the next annual meeting, and until others are chosen and qualified in their stead.

SECT. 6. If, at or after the time for the mayor and aldermen of a city to enter upon the discharge of their duties, it appears that the mayor or the full number of aldermen are not elected, such of said officers as are elected shall issue warrants for the election of a mayor or such aldermen as may be necessary. If neither of said officers is elected, the president of the common council shall issue such warrants.

SECT. 7. If by reason of non-election there is no mayor of a city, the chairman of the board of aldermen shall discharge the duties of the office until a mayor is chosen and sworn.

SECT. 8. When it appears to the mayor and aldermen, that there is a vacancy either in their board, the common council, or any city or ward office, to be filled by popular election, they shall issue their warrant for elections to fill such vacancy at such time and place as they deem advisable.

SECT. 9. Ward officers authorized to act at elections, shall attend and perform their respective duties at the times and places appointed for elections of officers, whether of the United States, state, city or wards, and shall make and sign the regular returns of the same. If a ward officer is absent from a meeting, the office may be filled *pro tempore*, by the voters

present, by nomination and hand vote if they so determine.

SECT. 10. City officers who were residents of the ward at the time of their election, shall discharge the duties of their offices notwithstanding their removal afterwards into any other ward of the city.

SECT. 11. The five preceding sections shall be in force in those cities only which have adopted chapter two hundred and seventeen of the statutes of eighteen hundred and forty-five, or which shall adopt said sections.

SECT. 12. The mayor and aldermen or member of the common council of a city which has adopted chapter seventy of the statutes of eighteen hundred and fifty-one, or which shall adopt this section, may at the same time hold any other office under the city government to which he may be chosen, except one of emolument.

SECT. 13. The city council of each city may make such rules and regulations for the erection and maintenance of balustrades, or other projections upon the roofs or sides of buildings therein, as the safety of the public requires, with penalties for the violation thereof, not exceeding twenty dollars for each offence ; but no such rule or regulation shall take effect until the same has been published at least sixty days in some newspaper printed in the city or in the county in which the city is situated.

SECT. 14. The mayor and aldermen of a city may make rules and orders for the regulation of all carriages and vehicles used either wholly or in part therein, whether with or without animal power, with penalties for violations thereof, not exceeding twenty dollars

for one offence ; and may receive annually one dollar and no more for each license, granted by them to a person to set up and use any carriage or vehicle within such city. Such rules shall not take effect until they have been published at least one week in some newspaper published in the city or in the county in which the city is situated. This section shall not impair the right of a city to make by-laws relating to the subject.

SECT. 15. The city marshal or other principal police officer, or the city treasurer, may prosecute for all fines and forfeitures which may inure to the city or the poor thereof, and may also prosecute for trespasses committed on any public building or enclosure within the limits of the city.

SECT. 16. No new division of wards in any city comprising more than one representative district, shall be made previously to the next apportionment of senators and representatives.

SECT. 17. In laws relating to cities, the words mayor and aldermen shall in their application to the city of Boston, unless provision is otherwise made, be construed to mean board of aldermen.

[General Statutes, Chap. 19.]



Of Watch and Wards.

SECT. 1. A city or town may establish and keep a watch and determine the number and qualifications of the persons to be employed for that purpose. The mayor and aldermen or selectmen shall appoint a suitable person to be officer of the watch, and direct the

manner in which watchmen shall be equipped. The expense of the watch shall be defrayed in like manner as other town charges.

SECT. 2. The watch shall see that all disturbances and disorders are prevented and suppressed. During the night time they may examine all persons abroad whom they have reason to suspect of any unlawful design, demand of them their business abroad and whither they are going; may disperse any assembly of three or more persons, and enter any building for the purpose of suppressing a riot or breach of the peace therein. Persons so suspected and not giving a satisfactory account of themselves, persons so assembled and not dispersing when ordered, and persons making, aiding, or abetting in a riot or disturbance, may be arrested by the watch, and shall thereupon be safely kept, by imprisonment or otherwise, until the next morning, and then taken before a police court or some trial justice, to be examined and proceeded against.

SECT. 3. Officers and members of the watch, when on duty, may carry a club of not more than eighteen inches in length; shall wear such badge of office as the mayor or selectmen direct, and shall walk the rounds in and about the streets, lanes, wharves, and principal inhabited parts of the city or town, to prevent danger by fire, and to see that good order is kept.

SECT. 4. The mayor and aldermen or selectmen of any place wherein no watch as above provided is established, may, from time to time, order a suitable watch to be kept in their place, and warn all persons liable to watch and ward duty to perform the same. They may direct the number of the watch, the places

and hours for keeping the same, may order in writing any constable or officer of the watch to warn such watch, either by himself or by some person therefor by him appointed, and to see that all persons so warned attend and perform their duty.

SECT. 5. Every male person of the age of eighteen years or upwards, being able of body, or having sufficient estate to hire a substitute, and not exempt, shall be liable to watch and ward in his city or town, and shall perform the duties, be subject to the liabilities, and have the powers of watchmen as the same are defined in this chapter.

SECT. 6. Justices of the peace, mayors, aldermen, selectmen, sheriffs, settled ministers of the gospel, and persons living more than two miles from the place where such watch and ward is kept, shall be exempt.

SECT. 7. Persons liable to watch and ward, and without reasonable excuse neglecting or refusing to appear and do duty personally or by sufficient substitute, and constables or officers or members of the watch refusing to execute and observe proper orders, shall forfeit ten dollars, to be recovered by complaint to the use of the commonwealth, or by action of tort to the use of the city or town.

[General Statutes, Chap. 23.]

Of the Preservation of the Public Health.

SECT. 1. A town respecting which no provision is made by special law for choosing a board of health, may, at its annual meeting or at a meeting legally warned for the purpose, choose a board of health, to

consist of not less than three nor more than nine persons ; or may choose a health officer. If no board or officer is chosen the selectmen shall be the board of health.

SECT. 2. Except where different provision is made by law, the city council of a city may appoint a board of health ; may constitute either branch of such council, or a joint or separate committee of their body, a board of health, either for general or special purposes, and may prescribe the manner in which the powers and duties of the board shall be exercised and carried into effect. In default of the appointment of a board with full powers, the city council shall have the powers and perform the duties prescribed to boards of health in towns.

SECT. 3. Every board of health may appoint a physician to the board, who shall hold his office during its pleasure.

SECT. 4. The board shall establish the salary or other compensation of such physician, and shall regulate all fees and charges of persons employed by it in the execution of the health laws and of its own regulations.

Nuisances, Contagion, &c.

SECT. 5. The board shall make such regulations as it judges necessary for the public health and safety, respecting nuisances, sources of filth, and causes of sickness, within its town, or on board of vessels within its harbor ; and respecting articles which are capable of containing or conveying infection or contagion, or of creating sickness, brought into or conveyed from its town, or into or from any vessel. Whoever violates

any such regulation shall forfeit a sum not exceeding one hundred dollars.

SECT. 6. Notice shall be given by the board of all regulations made by it, by publishing the same in some newspaper of its town, or where there is no such newspaper, by posting them up in some public place in the town. Such notice shall be deemed legal notice to all persons.

SECT. 7. The board shall examine into all nuisances, sources of filth, and causes of sickness, within its town, or in any vessel within the harbor of such town, that may in its opinion be injurious to the health of the inhabitants, and the same shall destroy, remove, or prevent, as the case may require.

SECT. 8. The board or the health officer shall order the owner or occupant at his own expense to remove any nuisance, source of filth, or cause of sickness, found on private property, within twenty-four hours or such other time as it deems reasonable after notice served as provided in the following section ; and if the owner or occupant neglects so to do, he shall forfeit a sum not exceeding twenty dollars for every day during which he knowingly permits such nuisance or cause of sickness to remain after the time prescribed for the removal thereof.

SECT. 9. Such order shall be made in writing, and served by any person competent to serve a notice in a civil suit, personally on the owner, occupant, or his authorized agent ; or a copy of the order may be left at the last and usual place of abode of the owner, occupant, or agent, if he is known and within the state. But if the premises are unoccupied and the residence of the owner or agent is unknown or without the

State, the notice may be served by posting the same on the premises and advertising in one or more public newspapers in such manner and for such length of time as the board or health officer may direct.

SECT. 10. If the owner or occupant fails to comply with such order, the board may cause the nuisance, source of filth, or cause of sickness, to be removed, and all expenses incurred thereby, shall be paid by the owner, occupant, or other person who caused or permitted the same, if he has had actual notice from the board of health of the existence thereof.

SECT. 11. The board, when satisfied upon due examination that any cellar, room, tenement, or building, in its town, occupied as a dwelling place, has become by reason of the number of occupants, or want of cleanliness, or other cause, unfit for such purpose and a cause of nuisance or sickness to the occupants or the public, may issue a notice in writing to such occupants, or any of them, requiring the premises to be put into a proper condition as to cleanliness, or if they see fit, requiring the occupants to remove or quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the board may cause the premises to be properly cleansed at the expense of the owners, or may remove the occupants forcibly and close up the premises, and the same shall not be again occupied as a dwelling place without the consent in writing of the board. If the owner thereafter occupies or knowingly permits the same to be occupied without such permission in writing, he shall forfeit a sum not less than ten nor more than fifty dollars.

SECT. 12. When a person is convicted on an indictment for a common nuisance injurious to the public health, the court in their discretion may order it to be removed or destroyed at the expense of the defendant, under the direction of the board of health; and the form of the warrant to the sheriff or other officer may be varied accordingly.

SECT. 13. The superior court, or a justice thereof in term time or vacation, may, either before or pending a prosecution for a common nuisance affecting the public health, issue an injunction to stay or prevent the same until the matter shall be decided by a jury or otherwise; may enforce such injunction according to the course of proceedings in chancery; and may dissolve the same when the court or one of the justices shall think proper.

SECT. 14. When the board think it necessary for the preservation of the lives or health of the inhabitants, to enter any land, building, or vessel, within its town, for the purpose of examining into and destroying, removing, or preventing, any nuisance, source of filth, or cause of sickness, and shall be refused such entry, any member of the board may make complaint under oath to two justices of the peace of the county, stating the facts of the case so far as he has knowledge thereof, and the justices may thereupon issue a warrant directed to the sheriff or either of his deputies, or to any constable of such town, commanding him to take sufficient aid, and being accompanied by any two or more members of said board, at any reasonable time to repair to the place where such nuisance, source of filth, or cause of sickness, complained of may be, and

the same to destroy, remove, or prevent, under the directions of such members of the board.

SECT. 15. The board may grant permits for the removal of any nuisance, infected articles, or sick person, within the limits of its town, when it thinks it safe and proper so to do.

SECT. 16. When any person coming from abroad or residing in any town in this state is infected, or lately has been infected, with the plague or other sickness dangerous to the public health, except as is otherwise provided in this chapter, the board shall make effectual provision in the manner which it judges best for the safety of the inhabitants, by removing such person to a separate house or otherwise, and by providing nurses and other assistance and necessities, which shall be at the charge of the person himself, his parents, or master, if able, otherwise at the charge of the town to which he belongs; and if he is not an inhabitant of any town, at the charge of the Commonwealth.

SECT. 17. If the infected person cannot be removed without danger to his health, the board shall make provision for him as directed in the preceding section in the house in which he may be; and may cause the persons in the neighborhood to be removed, and take such other measures as it judges necessary for the safety of the inhabitants.

SECT. 18. The board of health of any town near to or bordering upon either of the neighboring states, may appoint, by writing, suitable persons to attend at places by which travellers may pass from infected places in other States; who may examine such travellers as it suspects of bringing any infection dangerous

to the public health, and if need be may restrain them from travelling until licensed thereto by the board of health of the town to which such person may come. A traveller coming from such infected place who shall without such license travel within this state, (except to return by the most direct way to the state from whence he came) after he has been cautioned to depart by the persons so appointed, shall forfeit a sum not exceeding one hundred dollars.

SECT. 19. Two justices of the peace may if need be make out a warrant directed to the sheriff of the county, or his deputy, or to any constable, requiring them under the direction of the board to remove any person infected with contagious sickness, or to impress and take up convenient houses, lodging, nurses, attendants, and other necessities, for the accommodation, safety, and relief, of the sick.

SECT. 20. When, upon the application of the board, it appears to a justice of the peace that there is just cause to suspect that any baggage, clothing, or goods, found within the town, are infected with the plague or other disease which may be dangerous to the public health, the justice shall, by warrant directed to the sheriff or his deputy, or to any constable, require him to impress so many men as said justice may judge necessary to secure such baggage, clothing, or other goods, and to post said men as a guard over the house or place where such articles are lodged; who shall take effectual care to prevent persons from removing or coming near the same, until due inquiry is made into the circumstances.

SECT. 21. The justice may by the same warrant, if it appears to him necessary, require the officers, under

the direction of the board, to impress and take up convenient houses or stores for the safe keeping of such articles ; and the board may cause them to be removed thereto, or otherwise detained, until, in the opinion of the board, they are freed from infection.

SECT. 22. The officers, in the execution of the warrant, shall if need be break open any house, shop, or other place, mentioned in the warrant, where such articles are ; and may require such aid as is necessary to effect the execution of the warrant. Whoever neglects or refuses to assist in the execution of the warrant, after being commanded to assist by either of said officers, shall forfeit a sum not exceeding ten dollars.

SECT. 23. The charges of securing such articles, and transporting and purifying the same, shall be paid by the owners, at such rates and prices as may be determined by the board.

SECT. 24. When a sheriff or other officer impresses or takes up any houses, stores, lodging, or other necessities, or impresses men, as provided in this chapter, the several parties interested shall be entitled to a just compensation therefor, to be paid by the town in which such persons or property are so impressed.

SECT. 25. When a person confined in a common jail, house of correction, or workhouse, has a disease which, in the opinion of the physician of the board or of such other physician as it may consult, is dangerous to the safety and health of other prisoners or of the inhabitants of the town, the board shall by its order in writing direct the removal of such person to some hospital or other place of safety, there to be provided for and securely kept so as to prevent his escape until its further order. If such person recovers from the

disease he shall be returned to said prison or other place of confinement.

SECT. 26. If the person so removed is committed by order of court or under judicial process, the order for his removal, or a copy thereof attested by the presiding member of the board, shall be returned by him, with the doings thereon, into the office of the clerk of the court from which the process of commitment was issued. No prisoner so removed shall thereby commit an escape. •

Vaccination.

SECT. 27. Parents and guardians shall cause their children and wards to be vaccinated before they attain the age of two years, and revaccinated whenever the selectmen or mayor and aldermen shall after five years from the last vaccination require it. For every year's neglect the party offending shall forfeit the sum of five dollars.

SECT. 28. The selectmen and mayor and aldermen shall require and enforce the vaccination of all the inhabitants, and, whenever in their opinion the public health requires it, the revaccination of all the inhabitants who do not prove to their satisfaction that they have been successfully vaccinated or revaccinated within five years. All persons over twenty-one years of age, not under guardianship, who neglect to comply with any such requirement, shall forfeit the sum of five dollars.

SECT. 29. Towns shall furnish the means of vaccination to such of their inhabitants as are unable to pay for the same.

SECT. 30. Incorporated manufacturing companies; superintendents of almshouses, state reform, and indus-

trial schools, lunatic hospitals, and other places where the poor and sick are received ; masters of houses of correction, jailers, keepers of prisons, the warden of the state prison ; and superintendents or officers of all other institutions supported or aided by the state ; shall at the expense of their respective establishments or institutions cause all inmates thereof to be vaccinated immediately upon their entrance thereto, unless they produce sufficient evidence of previous successful vaccination within five years.

SECT. 31. Each town may make further provision for the vaccination of its inhabitants, under the direction of the board or a committee chosen for the purpose.

Offensive trades.

SECT. 52. The board shall from time to time assign certain places for the exercising of any trade or employment which is a nuisance or hurtful to the inhabitants, or dangerous to the public health, or the exercise of which is attended by noisome and injurious odors, or is otherwise injurious to their estates, and may prohibit the exercise of the same in places not so assigned ; the board may also forbid the exercise of such trade or employment within the limits of the town or in any particular locality thereof. All such assignments shall be entered in the records ; and may be revoked when the board shall think proper.

SECT. 53. When it appears on a trial before the superior court for the county, upon a complaint made by any person, that any place or building so assigned has become a nuisance, by reason of offensive smells or exhalations proceeding from the same, or is otherwise hurtful or dangerous to the neighborhood or to travel-

lers, the court may revoke such assignment and prohibit the further use of such place or building for the exercise of either of the aforesaid trades or employments, and may cause such nuisance to be removed or prevented.

SECT. 54. A person injured either in his comfort or the enjoyment of his estate by such nuisance, may have an action of tort for the damages sustained thereby.

SECT. 55. Orders of prohibition under section fifty-two shall be served upon the occupant or person having charge of the premises where such trade or employment is exercised. If the party upon whom such order is served, for twenty-four hours after such service refuses or neglects to obey the same, the board shall take all necessary measures to prevent such exercise; and the person so refusing or neglecting shall forfeit a sum not less than fifty nor more than five hundred dollars.

SECT. 56. Any person aggrieved by such order may appeal therefrom, and shall within three days from the service thereof upon him apply to the superior court, if in session in the county where such order is made, or in vacation to any justice of said court, for a jury; and such court or justice shall issue a warrant for a jury, to be impanelled at a time and place expressed in the warrant, in the manner provided in regard to the laying out of highways.

SECT. 57. During the pendency of the appeal such trade or employment shall not be exercised contrary to the order; and upon any violation of the same the appeal shall forthwith be dismissed.

SECT. 58. The verdict of the jury, which may either alter the order, or affirm or annul it in full, shall be returned to the court for acceptance as in case of high-

ways ; and said verdict when accepted shall have the authority and effect of an original order from which no appeal had been taken.

SECT. 59. If the order is affirmed by the verdict, the town shall recover costs against the appellant ; if it is annulled, the appellant shall recover damages and costs against the town ; and if it is altered, the court may render such judgment as to costs as in their discretion may seem just.

SECT. 60. The provisions of this chapter extend to cities so far as the same are not inconsistent with their several chapters or acts in amendment thereof.

[General Statutes, Extracts, Chap. 26.]

Of the Promotion of Anatomical Science.

SECT. 1. The overseers of the poor of a town, the mayor and aldermen of a city, and the inspectors and superintendent of a state almshouse, may to any physician or surgeon, upon his request, give permission to take the bodies of such persons dying in such town, city, or almshouse, as are required to be buried at the public expense, to be by him used within the state for the advancement of anatomical science ; preference being given to medical schools established by law, for their use in the instruction of students.

SECT. 2. Every physician or surgeon, before receiving any such dead body, shall give to the board of officers surrendering the same to him, a sufficient bond that each body shall be used only for the promotion of anatomical science within this state, and so as in no event to outrage the public feeling ; and that, after

having been so used, the remains thereof shall be decently buried.

SECT. 3. Persons having charge of a poorhouse, workhouse, or house of industry, in which a person required to be buried at the public expense dies, shall forthwith give notice of such death to the overseers of the poor of the town or to the mayor and aldermen of the city in which such death occurs ; and except in case of necessity the body of such person shall not be buried until such notice is given, and permission therefor granted by such overseers or mayor and aldermen ; nor without their permission shall the body be surrendered for dissection or mutilation.

SECT. 4. If the deceased person during his last sickness, of his own accord requested to be buried, or if, within twenty-four hours after his death, any person claiming to be and satisfying the proper authorities that he is a friend or of kindred to the deceased, asks to have the body buried, or if such deceased person was a stranger or traveller who suddenly died, the body shall not be so surrendered, but shall be buried.

[General Statutes, Chap. 27.]



Of the Public Records.

SECT. 1. All matters of public record in any office shall be entered or recorded on paper made wholly of linen, of a firm texture, well sized, and well finished ; and the clerks and registers of said office shall give a preference to linen paper of American or domestic manufacture, if such paper is marked in water line

with the word "linen," and also with the name of the manufacturer.

SECT. 2. The county commissioners, city governments, and selectmen, of the respective counties, cities, and towns, shall have all books of public record or registry belonging thereto substantially bound, and other papers and documents within their respective departments duly filed and arranged conveniently for examination and reference, and shall also cause such of said public records as are left incomplete by any clerk or register to be made up and completed by his successor from the files and usual memoranda as far as practicable, and certified and preserved in the same manner and with the same effect as is provided for other cases in sections seven, eight, and ten, of this chapter.

SECT. 3. The commissioners shall provide and maintain fire-proof rooms with suitable alcoves, cases, and boxes, for the safe keeping of all records, files, papers, and documents, belonging to the several registries of deeds; and a suitable place for the safe keeping and preservation of the other public records, and of valuable documents belonging to the county; and for their particular security and preservation; and such records and documents shall be securely kept in the places so provided.

SECT. 4. City governments and selectmen shall provide at the expense of their respective cities and towns, fire-proof safes of ample size for the preservation of books of record or registry, and other important documents or papers belonging thereto; and the clerk of each city and town shall keep all such books,

papers, and documents, in the safe so provided, at all times except when they are wanted for use.

SECT. 5. A city or town may cause to be carefully transcribed such of its records as relate to grants of lands, or the grants or divisions and allotments of land made by the original proprietors of township, or to any easement, private rights, or ways, or any records of births and marriages kept by such city or town, or by any parish within the same.

SECT. 6. A city or town whose territory in whole or in part has been set off from any other city or town, may cause to be carefully transcribed such records named in the preceding section as relate to lands, easements, rights, or ways, situated in the territory so set off.

SECT. 7. When the records of a county, city, or town, are becoming worn, mutilated, or illegible, the county commissioners, city government, or selectmen, shall have fair legible copies seasonably made; and when the interests of any county, city, or town, require, the county commissioners, mayor and aldermen, selectmen, or overseers of the poor, may have copies of any records or parts of records, or of any papers or documents, in the legal custody of any other county, city, or town, so made at the expense of their respective counties, cities, or towns; which copies shall be certified by the register or clerk of the office where they are taken to be true copies of the originals, and they shall be preserved in like manner as the original records, papers, and documents, of the place for which they are made.

SECT. 8. A transcript made in pursuance of the provisions of the preceding sections, and compared and

certified under oath by the clerk or register having the custody of the original to be a true copy, shall have the same force and effect when deposited among the records of the place for which it is made as if the same were an original record, or an original paper, or document, deposited there.

SECT. 9. Registers of deeds, registers of courts, and the registers and clerks of courts, cities, and towns, shall keep all records and documents belonging to their offices in their sole custody, and shall in no case, except upon summons in due form of law, or when the temporary removal of records and documents in their custody is necessary or convenient for the transaction of the business of the courts or the performance of the duties of their respective offices, cause or permit any record or document to be removed or taken away.

SECT. 10. Under the direction of the officers having the custody of the county, city, and town records and files, the same shall be open for public inspection and examination, and any person may take copies thereof. And the several clerks and registers shall, on payment of a reasonable fee therefor, compare and certify, in the manner herein mentioned, all transcripts properly and correctly made for any county, city, or town, in pursuance of the provisions of this chapter.

SECT. 11. The legal custody of the books of record and other documents of the ancient proprietors of townships or of common lands, when they have ceased to be a body corporate, shall, unless they have made other legal disposition thereof, be vested in the clerk of the city or town in which such lands or the larger portion of them are situated ; who, if such records and documents are in the possession of any other person,

shall demand the same, and may make and certify copies thereof in the same manner as the clerk of the proprietors might have done.

SECT. 12. When any church or religious society ceases to have legal existence, and the care of its records and registries is not otherwise provided for by law, the person having possession of the same shall deliver them to the clerk of the city or town in which such church or society was situated, who may certify copies thereof.

SECT. 13. Every county, city, and town, for each month it neglects or refuses to perform any duty required by this chapter, shall forfeit twenty dollars; a register or clerk who neglects or refuses to perform any duty required of him shall forfeit for each offence ten dollars; whoever takes and carries away any book of record, paper or written document, belonging to the records or files of any county, city, or town, except as is provided in section nine, or defaces, alters, or mutilates, by mark, erasure, cutting or otherwise, any such record, paper, or written document, shall forfeit a sum not exceeding fifty dollars; and whoever, after demand made by the clerk of the city or town entitled by law to have possession of the books of record and other documents mentioned in section eleven and twelve, wrongfully detains the same, shall forfeit fifty dollars.

Of Town and City Libraries.

SECT. 8. Each town and city may establish and maintain a public library therein, with or without branches, for the use of the inhabitants thereof, and provide suitable rooms therefor, under such regulations for its government as may from time to time be prescribed by the inhabitants of the town, or the city council.

SECT. 9. Any town or city may appropriate money for suitable buildings or rooms, and for the foundation of such library a sum not exceeding one dollar for each of its ratable polls in the year next preceding that in which such appropriation is made; may also appropriate annually, for the maintenance and increase thereof, a sum not exceeding fifty cents for each of its ratable polls in the year next preceding that in which such appropriation is made, and may receive, hold, and manage, any devise, bequest, or donation, for the establishment, increase, or maintenance, of a public library within the same.

[General Statutes, Extracts, Chap. 33.]

Of the Attendance of Children in the Schools.

SECT. 1. Every person having under his control a child between the ages of eight and fourteen years, shall annually during the continuance of his control send such child to some public school in the city or town in which he resides, at least twelve weeks, if the public schools of such city or town so long continue, six weeks of which time shall be consecutive; and for

every neglect of such duty the party offending shall forfeit to the use of such city or town a sum not exceeding twenty dollars; but if it appears upon the inquiry of the truant officers or school committee of any city or town, or upon the trial of any prosecution, that the party so neglecting was not able, by reason of poverty, to send such child to school, or to furnish him with the means of education, or that such child has been otherwise furnished with the means of education for a like period of time, or has already acquired the branches of learning taught in the public schools, or that his bodily or mental condition has been such as to prevent his attendance at school or application to study for the period required, the penalty before mentioned shall not be incurred.

SECT. 2. The truant officers and the school committees of the several cities and towns shall inquire into all cases of neglect of the duty prescribed in the preceding section; and ascertain from the persons neglecting, the reasons if any therefor; and shall forthwith give notice of all violations, with the reasons, to the treasurer of the city or town; and if such treasurer wilfully neglects or refuses to prosecute any person liable to the penalty provided for in the preceding section, he shall forfeit the sum of twenty dollars.

SECT. 3. All children within the commonwealth may attend the public schools in the place in which they have their legal residence, subject to the regulations prescribed by law.

SECT. 4. The school committee shall determine the number and qualifications of the scholars to be admitted into the school kept for the use of the whole town.

SECT. 5. Children living remote from any public

school in the town in which they reside, may be allowed to attend the public schools in an adjoining town, under such regulations, and on such terms, as the school committees of the said towns agree upon and prescribe ; and the school committee of the town in which such children reside shall pay out of the appropriations of money raised in said town for the support of schools the sum agreed upon.

SECT. 6. Minors under guardianship, their father having deceased, may attend the public schools of the city or town of which their guardian is an inhabitant.

SECT. 7. With the consent of school committees first obtained, children between the ages of five and fifteen years may attend school in cities and towns other than those in which their parents or guardians reside ; but whenever a child resides in a city or town different from that of the residence of the parent or guardian, for the sole purpose of attending school there, the parent or guardian of such child shall be liable to pay to such cities or towns, for tuition, a sum equal to the average expense per scholar for such school for the period the child shall have attended.

SECT. 8. The school committee shall not allow any child to be admitted to or connected with the public schools, who has not been duly vaccinated.

SECT. 9. No person shall be excluded from a public school on account of the race, color, or religious opinions, of the applicant or scholar.

SECT. 10. Every member of the school committee under whose directions a child is excluded from a public school, and every teacher of such school from which a child is excluded, shall, on application by the parent

or guardian of such child, state in writing the grounds and reason of the exclusion.

SECT. 11. A child unlawfully excluded from any public school shall recover damages therefor in an action of tort, to be brought in the name of such child by his guardian or next friend against the city or town by which such school is supported.

SECT. 12. The plaintiff in such action may, by filing interrogatories for discovery, examine any member of the school committee, or any other officer of the defendant city or town, as if he were a party to the suit.

[General Statutes, Chap. 41.]

Of the Employment of Children and Regulations respecting them.

SECT. 4. Each city and town may make all needful provisions and arrangements concerning habitual truants, and children not attending school, or without any regular and lawful occupation, or growing up in ignorance, between the ages of five and sixteen years; and also all such by-laws respecting such children, as shall be deemed most conducive to their welfare and the good order of such city or town; and there shall be annexed to such by-laws suitable penalties, not exceeding twenty dollars for any one breach: *provided*, that such by-laws shall be approved by the superior court of the county.

SECT. 5. The several cities and towns availing themselves of the provisions of the preceding section, shall appoint at the annual meetings of such towns, or annually by the mayor and aldermen of such cities, three

or more persons, who alone shall be authorized, in case of violation of such by-laws, to make the complaint and carry into execution the judgments thereon.

SECT. 6. A minor convicted under such by-law of being an habitual truant, or of not attending school, or of being without regular and lawful occupation, or growing up in ignorance, may, at the discretion of the justice or court have jurisdiction of the case, instead of the fine mentioned in section four, be committed to any such institution of instruction, house of reformation, or suitable situation provided for the purpose under authority of section four, for such time, not exceeding two years, as such justice or court may determine.

SECT. 7. A minor convicted of either of said offences and sentenced to pay a fine may, in default of payment thereof, be committed to such institution of instruction, house of reformation, or suitable situation provided as aforesaid. And upon proof that the minor is unable to pay the fine, and has no parent, guardian, or person chargeable with his support, able to pay the same, he may be discharged by such justice or court, whenever it is deemed expedient, or he may be discharged in the manner poor convicts may be discharged from imprisonment for non-payment of fines and costs.

SECT. 8. Warrants issued under this chapter shall be returnable before any trial justice or judge of a police court, at the place named in the warrant; and the justice or judge shall receive such compensation as the city or town determines.

Of Ways in Cities, Dedication of Ways.

Ways in Cities.

SECT. 81. The provisions of the foregoing sections of this chapter, so far as applicable, shall apply to the several cities and towns, except as may be otherwise provided by city charters and acts in amendment thereof.

Dedication of Ways.

SECT. 82. No way open and dedicated to the public use, which has not become a public way, shall be chargeable upon a city or town as a highway or town way, unless the same is laid out and established by such city or town in the manner prescribed by the statutes of the Commonwealth.

SECT. 83. The mayor and aldermen and selectmen shall, whenever the public safety demands it, direct and cause the entrances of such ways entering on and uniting with an existing public highway, to be closed up ; or may by other sufficient means caution the public against entering upon such ways ; and if any such way shall not be closed, or sufficient notice given that the same is dangerous, the city or town shall be liable for damages arising from defects therein in the same manner as if it had been duly laid out and established.

SECT. 84. In cities in which the city council, and in towns in which the inhabitants at a legal meeting, have accepted the provisions of this and the two following sections, if a street or way has been or shall be open over private land by the owner thereof, and permitted to be used by the public before the same has been accepted and laid out according to law, the own-

ers of the lots abutting thereon shall grade such street or way at their own expense, in such manner as the safety and convenience of the public shall in the opinion of the mayor and aldermen or selectmen require. If the owners of such abutting lots, after reasonable notice from the mayor and aldermen or selectmen, neglect or refuse so to do, or to close the street from public use, the mayor and aldermen or selectmen may cause the same to be graded, and after due notice to the parties interested, shall assess the expense thereof upon the owners in such proportion as shall be judged reasonable. All assessments so made shall be a lien upon the abutting lands in the same manner as taxes are a lien upon real estate.

SECT. 85. The mayor and aldermen or selectmen may fix and establish the grade of a street or way so opened and used, and cause a plan of such grade to be deposited in the office of the city or town clerk. And all persons making improvements upon the lots abutting thereon, after the grade has been established and recorded, shall conform to the grade. But nothing contained in this and the preceding section shall affect any agreements heretofore made respecting such streets or ways, between the owners of lots and the city or town.

SECT. 86. The grading of such street or way by the owners of the land, in pursuance of the notice by the mayor and aldermen or selectmen, shall not be construed to be a dedication of the same to the public use, nor shall the establishment and record of the grade, or the grading thereof by the mayor and aldermen or selectmen, constitute an acceptance of the same by the city or town. But no such street or way shall be dug

up or obstructed without the consent of the mayor and aldermen or selectmen.

[General Statutes, Extracts, Chap. 43.]

Of Sidewalks.

SECT. 6. A person owning or occupying lands adjoining a highway or road in a town, may construct a sidewalk within such highway or road, and along the line of such land, indicating the width of such sidewalk by trees, posts, or curb-stones, set at reasonable distances apart, or by a railing erected thereto ; and where a sidewalk is so constructed, whoever rides or drives a horse or team upon and along the same shall forfeit the sum of one dollar to be recovered by such owner or occupant in an action of tort. But this section shall not diminish or interfere with the authority of surveyors of highways, or any other authority that can be legally exercised over highways or roads ; nor shall it in any manner diminish the liability of any person for unreasonably obstructing highways or roads, nor shall it apply to cities.

SECT. 7. In cities in which the city council, and in towns in which the inhabitants, have adopted the provisions of this and the following section, the mayor and aldermen or selectmen may establish and grade sidewalks in such streets as in their judgment the public convenience may require, and may assess the abutters on such sidewalks one-half the expense of the same, the residue being paid by such city or town. All assessments so made shall be a lien upon the abut-

ting lands in the same manner as taxes are a lien upon real estate.

SECT. 8. No sidewalk constructed or graded in any city or town shall be dug up or obstructed in any part thereof, without the consent of the mayor and aldermen of the city, or of the selectmen of the town, in which such sidewalk is established.

SECT. 9. City councils may by ordinance provide for the removal of snow and ice from sidewalks in such portions of their cities as they deem expedient, which ordinance shall determine the time and manner of removal, and shall affix penalties not exceeding fifty dollars to any violation of its provisions by any owner or tenant of the estate abutting upon the sidewalk from which the snow and ice are required to be removed.

[General Statutes, Extracts, Chap. 45.]

Of the Boundaries of Highways and other Public Places, and Encroachments thereon.

SECT. 1. Where buildings or fences have been erected and continued for more than twenty years, fronting upon or against a training field, burying place, common landing place, highway, private way, street, lane, or alley, and from the length of time or otherwise the boundaries thereof are not known, or cannot be made certain by the records or by monuments, such fences or buildings shall be deemed and taken to be the true boundaries thereof. When such boundaries can be made certain, no length of time, less than forty years, shall justify the continuance of a fence or building on a town or private way, or on a

highway, training field, burying place, landing place, or other land appropriated for the general use or convenience of the inhabitants of the Commonwealth, or of a county, town, or parish ; but the same may upon the presentment of a grand jury be removed as a nuisance.

SECT. 2. The limitations of time prescribed in the preceding section shall take effect from and after the thirty-first day of December in the year one thousand eight hundred and thirty-nine.

SECT. 3. When a building, fence, or other encumbrance, erected or continued on a town or private way, or on a highway, training field, burying place, landing place, or other land appropriated for the general use or convenience of the inhabitants of the Commonwealth, or of a county, town, or parish, is adjudged a nuisance and ordered to be abated, and the materials, upon a sale thereof by auction, shall be insufficient to pay the costs and charges of prosecution and removal, the court may order the deficient sum to be raised and levied from the goods and chattels of the party convicted of erecting or continuing such nuisance.

SECT. 4. Any person may take down and remove gates, rails, bars, fence[s], upon or across a highway, unless the same have been there placed for the purpose of preventing the spreading of a disease dangerous to the public health, or have been erected or continued by the license of the county commissioners or of the selectmen of the town ; in which case a person aggrieved by such taking down and removal may apply to the commissioners or selectmen, respectively, who may order the same to be replaced.

SECT. 5. If fence[s], gates, rails, or bars are upon or

across a town way, or private way, the same may be removed by the order of a justice of the peace, unless the same are there placed for the purpose of preventing the spreading of a disease dangerous to the public health, or unless the same are erected or continued by license of the town, or of the person for whose use such private way was laid out; and a person aggrieved by such removal may apply to the commissioners; and if upon examination it appears that the same were erected or continued by license as aforesaid, the commissioners shall order them to be replaced.

SECT. 6. The mayor and aldermen, selectmen, or any municipal officer of a city or town to whom the care of the streets or roads may be intrusted, may authorize the planting of shade trees therein, wherever it may not interfere with the public travel or with private rights; and shade trees standing and trees planted pursuant to such license shall be deemed and taken to be the private property of the person so planting them, or upon whose premises they stand or are planted, and shall not be deemed a nuisance; but upon complaint made to the mayor and aldermen, or selectmen, they may cause such trees to be removed at the expense of the owner thereof, if the public necessity seems to them so to require.

SECT. 7. Whoever wantonly injures, defaces, tears, or destroys, an ornamental or shade tree, or shrub, statue, fountain, vase, or other plant or fixture of ornament or utility, in a street, road, square, court, park, public garden, or other enclosure, shall forfeit not less than five nor more than one hundred dollars, to be recovered by complaint, one-half to the complainant and the other half to the use of the person upon

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whose property, or within whose premises, the trespass was committed.

SECT. 8. Whoever negligently or carelessly suffers any horse or other beast driven by or for him, or any beast belonging to him and lawfully on the highway, to break down, destroy or injure any tree not his own, standing for use or ornament on said highway, or negligently or wilfully by any other means breaks down, destroys, or injures any such tree, shall be subject to an action for damages, at the suit of the owner or tenant of the land in front of which the tree stands.

SECT. 9. In a city in which the city council, and in a town in which the inhabitants, have accepted this section, the mayor and aldermen or selectmen may set out and maintain shade trees upon the public squares and highways, at the expense of such city or town, which may appropriate annually, for that purpose, a sum not exceeding twenty-five cents for each of its ratable polls in the year next preceding that in which such appropriation is made.

[General Statutes, Chap. 46.]

Of Licenses and Municipal Regulations of Police.

Intelligence offices.

SECT. 23. Whoever, without a license therefor, establishes or keeps an intelligence office for the purpose of obtaining or giving information concerning places of employment for domestics, servants, or other laborers, except seamen, or for the purpose of procuring or giving information concerning such persons for or to employers, shall pay a fine of ten dollars for each day such office is so kept.

SECT. 24. The mayor and aldermen or selectmen of any city or town may, for the purposes mentioned in the preceding section, grant licenses to suitable persons for the term of one year, and may revoke the same at pleasure. They shall receive one dollar for each license so granted.

Junk, old metals, and second-hand articles.

SECT. 25. The mayor and aldermen or selectmen of any city or town which has adopted by-laws therefor, may license suitable persons to be dealers in and keepers of shops for the purchase, sale, or barter, of junk, old metals, or second-hand articles, within their respective cities and towns.

SECT. 26. The license shall designate the place where the business is to be carried on, and contain such conditions and restrictions as may be prescribed by such by-laws, and shall continue in force for one year unless sooner revoked.

SECT. 27. Whoever not so licensed keeps a shop or is a dealer in such city or town, or being licensed keeps such shop, or is such dealer, in any other place or manner than that designated in his license, or after notice to him that his license has been revoked, shall pay a fine of twenty dollars for each offence.

Pawnbrokers.

SECT. 28. The mayor and aldermen or selectmen of any city or town, which has adopted by-laws therefor, may license suitable persons to carry on the business of pawnbrokers, within their respective cities and towns.

SECT. 29. The license shall designate the place where

the business is to be carried on, contain such conditions and restrictions as may be prescribed by such by-laws, and continue in force one year, unless sooner revoked.

SECT. 30. Whoever not being licensed carries on such business or is concerned therein within such city or town, or being licensed carries on such business or is concerned therein in any other place or manner than that designated in his license, or after notice to him that his license is revoked, shall pay a fine not exceeding fifty dollars for each offence.

Stables.

SECT. 31. Whoever occupies or uses a building in any maritime place for a livery stable, except in such part thereof as the mayor and aldermen or selectmen shall direct, shall forfeit a sum not exceeding fifty dollars for every month he so occupies or uses such building, and in like proportion for a longer or shorter time.

SECT. 32. Whoever erects, occupies, or uses, a building for a stable for more than four horses, in any city or town, except in such part thereof as the mayor and aldermen or selectmen direct, shall forfeit a sum not exceeding fifty dollars for every month he so occupies or uses such building, and in like proportion for a longer or shorter time. And the supreme judicial court or any one of the justices thereof, either in term time or vacation, may issue an injunction to prevent such erection, occupancy, or use, without such direction.

Steam-engines, furnaces, and boilers.

SECT. 33. No furnace for melting iron or making glass, and no stationary steam-engine designed for use in any mill for planing or sawing boards or turning

wood, or in which any other fuel than coal is used to create steam, shall be erected or put up to be used in any city or town by which the provisions relating thereto of chapter one hundred ninety-seven of the statutes of eighteen hundred and forty-five or chapter ninety-six of the statutes of eighteen hundred and forty-six respectively have been adopted, or by which this and the seven following sections shall have been adopted, at a legal meeting of the city council of the city or the inhabitants of the town called for that purpose, unless the mayor and aldermen or selectmen thereof have granted a license therefor, prescribing the place where the building in which such steam-engine or furnace is to be used shall be erected, the materials and construction thereof, with such regulations as to the height of flues and protection against fire as they deem necessary for the safety of the neighborhood. Such license may be granted on a written application, and shall be recorded in the records of the city or town.

SECT. 34. Upon application for such license the mayor and aldermen or selectmen shall assign a time and place for the consideration of the same, and cause at least fourteen days' public notice thereof to be given at the expense of the applicant, in such manner as they may direct, in order that all persons interested may be heard thereon.

SECT. 35. In any city or town by which chapter one hundred and ninety-seven of the statutes of eighteen hundred and forty-five has been adopted, or by which sections thirty-three to forty inclusive shall have been adopted at a legal meeting of the city council of the city or inhabitants of the town called for that

purpose, the mayor and aldermen or selectmen, after due notice in writing to the owner of such steam-engine or furnace, except for making glass, erected or in use therein before the time of such adoption, and a hearing of the matter, may adjudge the same to be dangerous or a nuisance to the neighborhood, and make and record an order prescribing such rules, restrictions, and alterations, as to the building in which the same is constructed or used, the construction and height of its smoke flues, with such other regulations as they deem necessary for the safety of the neighborhood; and the city or town clerk shall deliver a copy of such order to a constable, who shall serve on the owner an attested copy thereof and make return of his doings thereon to said clerk within three days from the delivery thereof to him.

SECT. 36. The owner of a steam engine or furnace who is aggrieved by such order, may apply to the superior court, or a justice thereof in vacation, for a jury; and the court or justice shall issue a warrant for a jury to be impanelled by the sheriff in like manner as is provided in chapter forty-three in regard to the laying out of highways. Such application shall be made within three days after the order is served upon the owner, and the jury shall be impanelled within fourteen days from the issuing of the warrant.

SECT. 37. The court or justice, on granting the application for a jury, may issue an injunction restraining the further use of such engine or furnace until the final determination of the application.

SECT. 38. The jury may find a verdict either affirming or annulling the order in full, or making alterations therein; which verdict shall be returned by the sheriff

to the next term of the court for acceptance as in the case of highways, and when accepted shall take effect as an original order.

SECT. 39. If the order is affirmed, costs shall be recovered by the city or town against the applicant; if it is annulled, damages and costs shall be recovered by the complainant against the city or town; and if it is altered, the court may render such judgment as to costs, as to justice shall appertain.

SECT. 40. Any steam-engine or furnace erected or used contrary to the provisions of the seven preceding sections, shall be deemed a common nuisance. And the mayor and aldermen or selectmen shall have like authority to remove the same as is given to boards of health to remove nuisances by sections eight, nine, and ten, of chapter twenty-six.

SECT. 41. The mayor and aldermen or selectmen of any city or town, or any person by them authorized, may, after notice to the parties interested, examine any steam-engine or steam-boiler therein; and for that purpose may enter any house, shop or building; and if upon such examination it appears probable that the use of such engine or boiler is unsafe, they may issue a temporary order to suspend such use, and if after giving the parties interested, so far as known, an opportunity to be heard they adjudge such engine or boiler unsafe, or defective or unfit to be used, they may pass a permanent order prohibiting the use thereof until it is rendered safe. If, after notice to the owner or person having charge thereof, such engine or boiler is used contrary to either of such orders, it shall be deemed a common nuisance, without any other proof thereof than its use.

SECT. 42. The mayor and aldermen and selectmen

shall have the same authority to abate and remove any steam-engine or steam-boiler erected or used contrary to the provisions of the preceding section, as boards of health have to remove nuisances, by sections eight, nine, and ten, of chapter twenty-six.

SECT. 43. No person shall manufacture, set up, or cause to be used, any steam-boiler, unless it is provided with a fusible safety plug made of lead or some other equally fusible material, and of a diameter of not less than one-half an inch ; which plug shall be placed in the roof of the fire-box, when a fire-box is used, and in all cases, in a part of the boiler fully exposed to the action of the fire, and as near the top of the water line as any part of the fire surface of the boiler ; and for this purpose Ashcroft's "protected safety fusible plug" may be used.

SECT. 44. Whoever without just and proper cause removes from any boiler the safety plug thereof, or substitutes therefor any material more capable of resisting the action of the fire than the plug so removed, shall be punished by a fine not exceeding one thousand dollars.

SECT. 45. Whoever manufactures, sets up, knowingly uses, or causes to be used, for six consecutive days, a steam-boiler unprovided with a safety fusible plug as named in section forty-three, shall be punished by a fine not exceeding one thousand dollars.

Rockets, gunpowder, and other explosive substances.

SECT. 46. Whoever sells, gives away, or offers for sale, or has in his possession with intent to sell, any of the fireworks called rockets, crackers, squibs or serpents, without license from the mayor and aldermen

or selectmen of the city or town, shall for every such offence forfeit a sum not exceeding ten dollars.

SECT. 47. Whoever sets fire to, or has in his possession with intent to set fire to, any rocket, cracker, squib, or serpent, or throws any lighted rocket, cracker, squib, or serpent, within any city or town, without the license of the mayor and aldermen or selectmen, shall for every offence forfeit a sum not exceeding ten dollars.

SECT. 48. The city council of a city and the inhabitants of a town, may order that no gunpowder shall be kept in any place within the limits thereof, unless it is well secured in tight casks or canisters; that no gunpowder, above the quantity of fifty pounds, shall be kept or deposited in any shop, store, or other building, or in a ship or vessel, which is within the distance of twenty-five rods from any other building or wharf; that no gunpowder, above the quantity of twenty-five pounds, shall be kept or deposited in any shop, store, or other building, within ten rods of any other building; and that no gunpowder, above the quantity of one pound, shall be kept or deposited in any shop, store, or other building, within ten rods of another building, unless it is well secured in copper, tin, or brass canisters, holding not exceeding five pounds each, and closely covered with copper, brass, or tin covers. They may make a like order in regard to gun-cotton, or other substances prepared like it for explosion, and, if considered necessary for public safety, may restrict the quantity to be so kept to one-fifth of the weight of gunpowder allowed by this section.

SECT. 49. Upon complaint made to a justice of the peace or police court by the mayor or either of the

aldermen, selectmen, or firewards of any place, that he has probable cause to suspect, and does suspect, that gun-powder, gun-cotton, or other substance prepared like it for explosion, is deposited and kept within the limits thereof contrary to law, such justice or court may issue a warrant, directed to either of the constables of such place, ordering him to enter any shop, store, or other building, or vessel, specified in the warrant, and there make diligent search for such gun-powder, gun-cotton, or other substance, suspected to have been so deposited or kept, and to make return of his doings to said justice or court forthwith.

SECT. 50. Whoever commits an offence against any order made under section forty-eight, shall forfeit a sum not exceeding twenty dollars; but the four preceding sections shall not extend to any manufactory of gun-powder, gun-cotton, or other substance aforesaid, nor in any case prevent the transportation thereof through any city or town, or from one to another part thereof.

SECT. 51. The city council of any city and the inhabitants of any town may adopt such rules and regulations as they deem reasonable in relation to the storage and sale, within the limits thereof, of camphene or any similar explosive or inflammable fluid, and may affix penalties for breaches thereof, not exceeding twenty dollars for any one offence.

Dogs.

SECT. 52. Every owner or keeper of a dog shall annually on or before the thirtieth day of April, cause it to be registered, numbered, described, and licensed for one year from the first day of the ensuing May, in the office of the clerk of the city or town wherein he re-

sides ; and shall cause it to wear around its neck a collar distinctly marked with its owner's name and registered number, and shall pay for such license one dollar for a male dog and five dollars for a female dog.

SECT. 53. The clerk shall issue the license, and receive and pay the money therefor into the city or town treasury, retaining to his own use ten cents for each license. The treasurer shall keep an accurate and separate account of all sums received and paid out under the provisions of this chapter relating to dogs, which account shall at all times be open to the inspection of any voter of the place.

SECT. 54. The clerk shall annually, within one week after the first day of May, post in some conspicuous public place a list of all dogs licensed for the current year ; and shall furnish a copy thereof to the chief of police of the city, or one of the constables of the town ; and shall also, from time to time, furnish said officers with a list of such dogs as are subsequently licensed during the year.

SECT. 55. Any owner of a dog may, at any time, have it licensed until the first day of the ensuing May, upon paying the sum as provided in section fifty-two ; but such license shall not exempt him from the penalty of the following section, on complaint made prior to issuing the license. No new license for the current year shall be necessary upon the removal of a licensed dog into another city or town, unless required by some by-law passed under section sixty-seven.

SECT. 56. Whoever keeps a dog contrary to the provisions of this chapter shall forfeit ten dollars, to be recovered by complaint, to the use of the place wherein the dog is kept.

SECT. 57. Whoever wrongfully removes the collar from or steals a dog, licensed and collared as aforesaid, shall be punished by a fine not exceeding fifty dollars; and whoever wrongfully kills, maims, entices, or carries away such a dog, shall be liable to its owner for its value in an action of tort. Whoever distributes or exposes any poisonous substances, with intent that the same shall be eaten by any dog, shall be punished by fine not exceeding fifty nor less than ten dollars.

SECT. 58. Any person may, and every police officer and constable shall, kill or cause to be destroyed all dogs going at large and not licensed and collared according to the provisions of this chapter; and such officers, when not otherwise paid for their services, shall receive from the city or town treasury fifty cents for each dog so destroyed by them.

SECT. 59. Every owner or keeper of a dog shall forfeit to any person injured by it double the amount of the damage sustained by him, to be recovered in an action of tort.

SECT. 60. Any person may kill a dog that shall suddenly assault him while he is peaceably walking or riding without the enclosure of its owner or keeper; and any person may kill a dog that is found out of the enclosure or immediate care of its owner or keeper, worrying, wounding, or killing any neat cattle, sheep, or lambs.

SECT. 61. If any person so assaulted, or finding a dog strolling out of the enclosure or immediate care of its owner or keeper, shall, within forty-eight hours after such assault or finding, make oath thereof before a justice of the peace or police court for the county, or before the clerk of the city or town where the owner

of the dog dwells, and shall further swear that he suspects the dog to be dangerous or mischievous, and shall give notice thereof to its owner or keeper by delivering him a certificate of such oath signed by such justice or clerk, the owner or keeper shall forthwith kill or confine it; and if he neglects so to do for twenty-four hours after such notice, he shall forfeit ten dollars.

SECT. 62. If, after such notice, the dog is not killed or confined, but is again found strolling out of the enclosure or immediate care of its owner or keeper, any person may kill it.

SECT. 63. If a dog, after such notice to its owner or keeper, shall by such assault wound or cause to be wounded, any person, or shall worry, wound, or kill any neat cattle, sheep or lambs, or do any other mischief, the owner or keeper shall be liable to pay to the person injured thereby treble damage, to be recovered in an action of tort.

SECT. 64. Whoever suffers loss by reason of the worrying, maiming, or killing of his sheep, lambs, or other domestic animals, by dogs, may, within thirty days after he knows of such loss, present proof thereof to the mayor or selectmen of the city or town wherein the damage is done; and thereupon said officers shall draw an order in favor of the owner upon the treasurer of said city or town, for the amount of such loss. The treasurer shall register such orders at the time of their presentation, and annually on the first day of January pay them in full, if the gross amount received by his city or town under the provisions of this chapter relating to dogs, and not previously paid out, is sufficient therefor; otherwise he shall divide such amount *pro rata* among such orders, in full discharge thereof.

After such order has been drawn, the city or town may in an action of tort recover against the keeper or owner of any dog concerned in doing the damage the full amount thereof.

SECT. 65. The owner of sheep, lambs, or other domestic animals worried, maimed, or killed by dogs, shall have his election whether to proceed under the provisions of the preceding section or of sections sixty-one, sixty-two, and sixty-three; but having signified such election, by commencing a suit or obtaining an order, he shall not have the other remedy.

SECT. 66. The mayor and aldermen of each city, and the selectmen of each town, shall require all dogs not licensed and collared according to the foregoing provisions, to be destroyed, and shall enforce all penalties herein provided. Any officer refusing or neglecting to perform the duties herein imposed upon him, shall be punished by fine not exceeding twenty-five dollars, to be paid into the city or town treasury.

SECT. 67. The city council of any city, and the inhabitants of any town, may make such additional by-laws and regulations concerning the licensing and restraining of dogs, as they deem expedient, and may affix any penalties, not exceeding ten dollars, for any breach thereof; but such by-laws and regulations shall relate only to dogs owned or kept in such city or town; and the annual fee required for a license shall in no case be more than one dollar in addition to the sum required by section fifty-two.

SECT. 68. All fines and penalties provided in the sixteen preceding sections may be recovered on complaint before any police court or trial justice in the county where the offence is committed.

Billiard tables and bowling alleys.

SECT. 69. The mayor and aldermen or selectmen of any city or town may grant a license to any person to keep a billiard table or bowling alley for hire, gain, or reward, upon such terms and conditions as they deem proper, to be used for amusement merely, but not for the purpose of gaming for money or other property. Such license may be revoked at the pleasure of the authority granting it.

SECT. 70. Whoever without such license keeps or suffers to be kept in a house, building, yard, or dependency thereof, by him actually occupied or owned, a table for the purpose of playing at billiards, or a bowling alley for the purpose of playing at bowls, for hire, gain, or reward, or for hire, gain or reward suffers any person to resort to the same for such purpose, shall forfeit for every such offence a sum not exceeding one hundred dollars.

SECT. 71. The keeper of a billiard room or table, or bowling alley, who admits a minor thereto without the written consent of his parent or guardian, or who suffers any person to play at the same after six o'clock in the afternoon on Saturday, or after ten o'clock in the afternoon of any other day, shall forfeit ten dollars for the first and twenty dollars for each subsequent offence.

SECT. 72. Any marshal or his deputy, sheriff or his deputy, constable, police officer, or watchman, may at any time enter into a billiard room, bowling alley, or other room connected therewith, for the purpose of enforcing any law of the state; and whoever obstructs or hinders the entrance of such officer shall be pun-

ished by a fine of not less than five nor more than twenty dolliars.

SECT. 73. The provisions of section thirty-two shall apply to the erection, occupancy, or use of buildings for bowling alleys in any city or town.

Theatrical exhibitions, public shows, masked balls, &c.

SECT. 74. The mayor and aldermen or selectmen of any city or town may license theatrical exhibitions, public shows, public amusements and exhibitions of every description, to which admission is obtained upon payment of money or the delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing, upon such terms and conditions as they deem reasonable ; and they may revoke or suspend the same at their pleasure.

SECT. 75. Whoever offers to view, sets up, sets on foot, maintains, carries on, publishes, or otherwise assists in or promotes, any such exhibition, show, or amusement, without such license, shall be punished by fine not exceeding five hundred dollars for each offence.

SECT. 76. Whoever offers to view, sets up, sets on foot, maintains, or carries on, a theatrical exhibition, public show, concert, or dance-hall exhibition, of any description, at which lager-bier, or other intoxicating liquors are sold or exposed for sale, with the consent of those who get up, set on foot, or otherwise promote, such exhibitions or shows, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the house of correction not more than two years, unless such exhibition or show has been first duly licensed as provided by section seventy-four. This section shall not authorize the licensing of the sale at any

exhibition or show, of liquors the sale of which is prohibited by law.

SECT. 77. Whoever gets up, sets on foot, causes to be published, or otherwise aids in getting up and promoting any masked ball or other public assembly, at which the company wear masks or other disguises, and to which admission is obtained upon payment of money or the delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing, shall for the first offence be punished by a fine not exceeding five hundred dollars; and for any subsequent offence, by imprisonment in the jail or house of correction not exceeding one year.

SECT. 78. Any justice of the peace or police court, upon complaint made of an offence against the provisions of the three preceding sections, shall bind over all persons so offending, to appear at the next term of the superior court, and shall also require such persons to find sureties for the keeping of the peace and being of good behavior until such term of the court, and shall commit such persons upon their refusing or neglecting so to recognize and find sureties.

SECT. 79. Whoever establishes or promotes an exhibition of the fighting of birds or animals, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the house of correction not exceeding six months. Whoever is present at, or aids in or contributes to such an exhibition, shall be punished by fine not exceeding ten dollars.

An Act to authorize Cities to appropriate Moneys for certain purposes.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any city, by vote of the city council thereof, in addition to the sums heretofore authorized by law to be raised and appropriated, may appropriate any funds in its treasury, or raise money by taxation, and appropriate the same, for the providing of armories for the use of military companies, for the celebration of holidays, and for other purposes of a public nature: *provided*, that such appropriations shall be made by vote of two-thirds of the members of each branch of the city council present and voting by yea and nay vote, and that the amount of such appropriations made by any city, in any one year, shall not exceed one fiftieth of one per cent. of its valuation for the same year.

[Supplement to the General Statutes, Chap. 165, 1861.]

[Approved April 9, 1861.]

An Act in aid of the Families of Volunteers, and for other purposes.

Be it enacted, &c., as follows :

SECT. 1. Any town or city may raise money by taxation, and, if necessary, apply the same, under the direction of their selectmen or mayor and aldermen or city council, for the aid of the wife, and of the children under sixteen years of age, of any one of their inhabitants, who, as a member of the volunteer militia of this state may have been mustered into or enlisted in the service of the United States, and for each parent,

brother or sister or child, who, at the time of his enlistment, was dependent on him for support.

SECT. 2. Any city or town may by vote raise money to defray any expense already incurred, or to carry out and fulfil any contract heretofore made with, or in behalf of any of its inhabitants who may have enlisted as members of the volunteer militia, or who have been, or may be called into the service of the United States; but all contracts now subsisting between any town or city and any member of the volunteer militia as such, shall terminate in ninety days from the date of such contract or the date of enlistment if subsequent to such contract and previous to the passage of this act.

SECT. 3. No compensation, in addition to the regular pay of the army or navy of the United States, other than that mentioned in this act, shall be given by any town or city to any of their inhabitants, who, as volunteers, or otherwise, shall enlist in the service of the United States; but all contracts made with any members of the volunteer militia who have been mustered into the service of the United States for the term of three months, shall be valid during such term, and no pay shall hereafter be allowed by any town or city for the expense of drilling.

SECT. 4. Any city or town, when danger from attack from the sea is apprehended, is authorized to organize an armed police to guard against such an attack, and may provide, by taxation, to maintain the same. Such force may, for this purpose, act in any part of the county within which such city or town may be situated.

SECT. 5. Of the sum so paid or applied by any city or town for the support of the family of any inhabitant,

who may be actually engaged in the service of the United States, as provided in the first section, there shall be annually reimbursed from the state treasury to such town or city, a sum not exceeding one dollar per week for the wife and one dollar per week for each child or parent of such inhabitant, who, at the time of his being called into the service of the United States, was dependent upon him for support: *provided*, that the whole sum so reimbursed shall not exceed twelve dollars per month for all the persons named in this section so dependent upon any such inhabitant.

SECT. 6. No reimbursement shall be allowed from the state treasury to any town or city, as provided in the previous section, until a full report, certified and sworn to by a majority of the board of selectmen of any town, or of the mayor and a majority of the aldermen of any city, containing a statement of the inhabitants of such town or city, whose families have been assisted, as provided in the first section, and of the persons who have been assisted, and the relations which such persons severally bear to such inhabitants, and the sums paid to each person, has been made to the auditor of the Commonwealth, and carefully examined and approved by him.

SECT. 7. A statement certified and sworn to by a majority of the board of selectmen of any town or of the mayor and a majority of the aldermen of any city shall be made to the auditor of the Commonwealth on or before the fifth day of January in each year, of the full amount due such city or town for aid furnished in accordance with this act.

SECT. 8. This act shall take effect upon its passage.

[General Laws, Special Session, May, 1861.]

[Approved May 23, 1861.]

An ACT concerning Religious Services in Public
Schools.

Be it enacted, &c., as follows :

SECT. 1. The school committee shall require the daily reading of some portion of the Bible, without written note or oral comment, in the public schools, but they shall require no scholar to read from any particular version, whose parent or guardian shall declare that he has conscientious scruples against allowing him to read therefrom, nor shall they ever direct any school books calculated to favor the tenets of any particular sect of Christians, to be purchased or used in any of the public schools.

SECT. 2. The twenty-seventh section of the thirty-eighth chapter of the General Statutes, is hereby repealed.

[General Laws, Chap. 57. Approved March 6, 1862.]

An ACT in addition to an Act in Aid of the Families of
Volunteers, and for other purposes.

Be it enacted, &c., as follows :

SECT. 1. Any town or city may raise money by taxation, or otherwise, and, if necessary, apply the same under the direction of its selectmen, or mayor and aldermen, or city council, for the aid of the wife, each child, parent, brother and sister of, and dependent upon, any one of the inhabitants of said town or city, who, as a part of the quota of this Commonwealth, has been, or hereafter shall be duly enlisted and mustered into the volunteer service of the United States.

SECT. 2. Any town or city may raise and apply money as aforesaid, for the aid of such wife, child, parent, brother and sister of any one of its inhabitants who had been duly enlisted and mustered into said volunteer service as a part of the quota of any other state, before the passage of this act.

SECT. 3. Money raised as aforesaid may be applied as aforesaid, from and after the time of such enlistment, and while such inhabitant has been, or shall hereafter be actually in said volunteer service; and all appropriations and expenditures heretofore made or which shall hereafter be made, by the selectmen, or mayor and aldermen, or city council, of any town or city, for any of the purposes expressed in the foregoing sections, for any persons who have been, or are now in the said service, notwithstanding any actual or supposed irregularity in their original enlistment, are hereby declared valid.

SECT. 4. Of the sums applied as aforesaid, there shall be annually reimbursed, from the state treasury, to the town or city so applying the same, a sum not exceeding one dollar per week for the wife, and one dollar per week for each child and parent aforesaid: *provided*, that the whole sum so reimbursed shall not exceed twelve dollars per month, for all persons named in this section, dependent upon any such inhabitant, at the time he was or shall be duly enlisted and mustered into said volunteer service.

SECT. 5. On or before the fifth day of January in each year, there shall be deposited in the office of the auditor of the Commonwealth, by each town and city raising and applying money as aforesaid, a full and particular report, setting forth the names of the inhab-

itants of such town or city, for the aid of whose families money has been applied as aforesaid, the names and ages of the several persons for the aid of whom money has been applied as aforesaid, the relation such persons severally bear to such inhabitants, the sums paid to each of such persons, and the time when the same were paid. And no reimbursement shall be made from the state treasury to such town or city as provided in section four of this act, until such report has been sworn to by a majority of the selectmen of such town, or the mayor and a majority of the aldermen of such city, deposited as aforesaid, and carefully examined, scrutinized, and approved by said auditor.

SECT. 6. This act shall not authorize reimbursing money applied for the aid of any wife, child, or parent aforesaid, of any commissioned officer in said volunteer service, nor for the aid of any person dependent upon any volunteers from this state, enlisted into regiments of any other state, who receive aid from such other state.

SECT. 7. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECT. 8. This act shall take effect upon its passage.

[General Laws, Chap. 66. Approved March 18, 1862.]



An Act in relation to Stationary Engines.

Be it enacted, &c., as follows :

SECT. 1. No stationary engine, propelled by steam or other motive-power, shall be hereafter erected or put up for use in any city or town, within five hundred feet of any dwelling-house or public building, unless a

license therefor shall have been first granted in the manner provided in chapter eighty-eight of the General Statutes, in respect to licenses of steam-engines, furnaces, and boilers; and such license shall be applied for, granted and recorded in manner as therein provided.

SECT. 2. Any stationary engine hereafter erected, without such license, shall be deemed a common nuisance, and the mayor and aldermen, or selectmen, shall have like authority to remove the same, as is given to them by section forty of said chapter.

SECT. 3. This act shall not be in force in any city or town until it has been adopted at a legal meeting of the city council of the city, or of the inhabitants of the town called for that purpose.

SECT. 4. This act shall take effect upon its passage.

[General Laws, Chap. 74. Approved March 20, 1862.]



An Act in aid of Families of Seamen in the United States Navy.

Be it enacted, &c., as follows :

SECT. 1. Any town or city may raise money by taxation, and apply the same, in cases of necessity, under the direction of their selectmen, or the mayor and aldermen, respectively, in aid of the wife and minor children of such persons as shall be in actual service, as seamen, in the United States Navy.

SECT. 2. Such aid may be given in the same manner, to the widow and minor children of such seamen, named in the first section, as have died, or shall hereafter die, in such actual service.

SECT. 3. No reimbursement shall be made from the state, to any city or town, for any aid furnished under this act.

SECT. 4. This act shall take effect upon its passage.

[General Laws, Chap. 151. Approved April 26, 1862.]

An Act in further addition to an Act in aid of the
Families of Volunteers.

Be it enacted, &c., as follows :

SECT. 1. The provisions of the second section of the act to which this act is in addition, being chapter sixty-six of the acts of the present session, shall apply to those volunteers, who, although not inhabitants of the Commonwealth at the time of enlistment, have become such by the establishment of the boundary line between the states of Massachusetts and Rhode Island.

SECT. 2. Any town or city may raise money by taxation or otherwise, and if necessary apply the same under the direction of its selectmen, or mayor and aldermen, or city council, for the aid of the widow or children who were dependent upon any one of the inhabitants of said town or city, who may have died whilst in the active service of the United States, if said inhabitant were a volunteer duly enlisted and mustered into the service of the United States, whose wife or child might have received aid under the provisions of said chapter sixty-six of the laws of the present year.

SECT. 3. No sums shall be so applied to the wife or children of any such deceased volunteer for a period of more than one year after the passage of this act,

nor more than one month after the passage of any further act of congress allowing a pension or other provision to the widow or to the children of such deceased volunteer.

SECT. 4. All the provisions of the fourth and fifth sections of said chapter sixty-six of the laws of the present year, concerning the reimbursement of money from the state treasury, and annual reports to the auditor, shall be applicable to all moneys applied under the provisions of this act.

[General Laws, Chap. 166. Approved April 29, 1862.]

An ACT concerning Dealers in Junk, Old Metals, and Second-hand Articles.

Be it enacted, &c., as follows :

SECT. 1. Every city and town may provide by ordinance or by-law, that every keeper of a shop for the purchase, sale or barter, of junk, old metals, or second-hand articles, within their respective limits, shall keep a book, in which shall be written at the time of every purchase of any such article, a description of the article or articles purchased, the name, age and residence of the person from whom, and the day and hour when, such purchase was made ; that such book shall at all times be open to the inspection of the mayor and aldermen of the city, or the selectmen of the town, in which such shop is located, and to any person by them respectively authorized to make such inspection ; that every keeper of such shop shall put in some suitable and conspicuous place on his shop, a sign, having his name and occupation legibly inscribed thereon in large letters ; that such shops, and all articles of merchan-

dise therein, may be examined by the mayor and aldermen of any city, or the selectmen of any town, or by any person by them respectively authorized to make such examination, at all times ; and that no keeper of such shop shall, directly or indirectly, either purchase, or receive by way of barter or exchange, any of the articles aforesaid, of any minor or apprentice, knowing or having reason to believe him to be such ; and that no article purchased or received shall be sold until a period of at least one week, from the date of its purchase or receipt, shall have elapsed. Every city and town may also prescribe in like manner the hours in which such shops shall be closed, and that no keeper thereof shall make purchase of any of the articles aforesaid during such hours.

SECT. 2. Every rule, regulation and restriction which shall be made by any city or town, in accordance with the provisions of this act, in regard to the keeping of, and traffic in the articles aforesaid, shall be incorporated in every license granted in such city or town for dealing in the said articles.

SECT. 3. Any person who shall violate either of the rules, regulations or restrictions contained in his license, as aforesaid, shall forfeit a sum not exceeding twenty dollars for each offence.

[General Laws, Chap. 205. Approved April 30, 1862.]

An ACT concerning Truant Children and Absentees from School.

Be it enacted, &c., as follows :

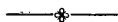
SECT. 1. Each city and town shall make all needful provisions and arrangements concerning habitual tru-

ants, and also concerning children wandering about in the streets or public places of any city or town, having no lawful occupation or business, not attending school, and growing up in ignorance, between the ages of seven and sixteen years; and shall also make all such by-laws respecting such children as shall be deemed most conducive to their welfare and the good order of such city or town; and there shall be annexed to such by-laws suitable penalties not exceeding twenty dollars, for any one breach: *provided*, that said by-laws shall be approved by the superior court sitting in any county in the Commonwealth.

SECT. 2. Any minor convicted of being an habitual truant, or any child convicted of wandering about in the streets or public places of any city or town, having no lawful occupation or business, not attending school, and growing up in ignorance, between the ages of seven and sixteen years, may, at the discretion of the justice or court having jurisdiction in the case, instead of the fine mentioned in the first section, be committed to any such institution of instruction, house of reformation, or suitable situation provided for the purpose, under the authority of the first section, for such time, not exceeding two years, as such justice or court may determine.

[General Laws, Chap. 207. Approved April 30, 1862.]

CITY ORDINANCES.



[No. 1.]

AN ORDINANCE prescribing the manner of Recording
the Ordinances of the City.

*Be it ordained by the City Council of the City of Roxbury,
as follows :*

SECT. 1. All ordinances which shall be passed by the Mayor and Aldermen and Common Council of said city, shall be engrossed or recorded by the City Clerk, in a fair and legible hand, without interlineation or erasure, in the order in which they shall pass to be ordained, in a book to be kept for that purpose, made of strong linen paper, with proper margins and index, to be lettered "Record of Ordinances of the City of Roxbury."

SECT. 2. Said Book of Records shall be preserved in the office of the City Clerk, subject to the inspection of the citizens.

[Passed May 18, 1846.]



[No. 2.]

AN ORDINANCE concerning the Form of Warrants, and
the Service and Return thereof.

Be it ordained, &c., as follows :

SECT. 1. The form of warrants for calling meetings of the citizens of the several Wards shall be as follows, viz. :



CITY OF ROXBURY.

To either of the Constables of the City of Roxbury, Greeting: In the name of the Commonwealth of Massachusetts, you are hereby required, forthwith, to warn the inhabitants of Ward No. —, qualified as the law directs, to assemble at —, on the — day of —, at — o'clock — M., then and there to —. Hereof fail not, and have you there then this Warrant, with your doings thereon.

Witness, —, Mayor of our said City of Roxbury, the — day of —, in the year of our Lord one thousand eight hundred and —.

By order of the Mayor and Aldermen.

—, *City Clerk.*

SECT. 2. All warrants for calling meetings of the citizens of the several Wards, which shall be issued by the Mayor and Aldermen, shall be served by any Constable of the city, and returned to the Wardens of the several Wards in the said city, on or before the time of meeting of the citizens of said Ward, therein specified.

SECT. 3. The form of warrants for calling meetings of the inhabitants of the City of Roxbury, shall be as follows, to wit:



CITY OF ROXBURY.

To the Constables of the City of Roxbury, Greeting: In the name of the Commonwealth of Massachusetts, you are hereby required forthwith to warn the inhabitants of the City of Roxbury, qualified as the law directs, to assemble at —, on the — day of —, at — o'clock, — M., then and there to —.

Hereof fail not, and have you then and there this warrant, with your doings thereon.

Witness ———, Mayor of our City of Roxbury, the ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

By order of the Mayor and Aldermen.

—————, *City Clerk.*

SECT. 4. All warrants which shall be issued by the Mayor and Aldermen, for calling meetings of the inhabitants of the city, shall be served by any Constable of the city, and returned to the Mayor and Aldermen on or before the meeting of the citizens therein specified.

SECT. 5. It shall be the duty of the Mayor and Aldermen to fix the time when the poll shall close, as well as the time for the opening thereof, in the election of all officers, except ward officers, and insert the same in any warrant and notification to the inhabitants of such election.

SECT. 6. Each inhabitant, being a legal voter in said city, shall be notified at his place of residence.

SECT. 7. All warrants for convening the legal voters of the city, shall be issued at least seven days before the time of holding said meeting, and it shall be the duty of the Constable warning said meeting, to make return thereof, one day before the holding said meeting.

[Passed May 18, 1846.]

[No. 3.]

An ORDINANCE relating to the Election of certain City Officers.

Be it ordained, &c., as follows :

SECT. 1. The mode of electing the following officers, to wit: Surveyors of Highways, Surveyors of Lumber, Measurers of Wood and Bark, Weighers of Hay, Sealers of Weights and Measures, Field Drivers, Fence Viewers, Pound Keeper, Tythingmen, Sealers of Leather, and Hog Reeves, shall be as follows, to wit: They shall first be elected by the Mayor and Aldermen, and sent down to the Common Council for its concurrence, rejection or amendment.

[Passed May 18, 1846.]



[No. 4.]

An ORDINANCE authorizing the Appointment and prescribing the Duties of a City Marshal.

[Repealed by Ord. No. 42; but see Ord. No. 45.]



[No. 5.]

An ORDINANCE establishing the Office of City Messenger.

Be it ordained, &c., as follows :

SECT. 1. There shall forthwith, and hereafter in the month of April annually, be elected by the Board of Aldermen, and sent down for its concurrence or rejection, to the Common Council, a suitable person to be styled City Messenger, who shall receive, deliver and execute, all notifications, summonses and precepts is-

sued by the Mayor, the President of the Common Council, by the City Council, or either branch thereof, or by any Committee of the same, and make due return thereof. He shall prepare and arrange the rooms in which the City Council shall hold their sessions, and attend on either when in session separately; and under the direction of the Mayor or City Clerk, shall provide fuel, lights, and other things necessary for the accommodation of both branches of the City Council or any Committee thereof. He shall receive and deliver all notifications to officers elected by the City Council, or by the Mayor and Aldermen, and he shall deliver all notifications to Committees upon the request of the City Clerk, Clerk of the Common Council, or Chairman of any Committee. He shall have the superintendence of the City Hall and the adjoining rooms, and see that they are kept in good condition. He shall also prepare the rooms selected for Ward meetings, and have the same put in good order after said meetings are adjourned, and he shall at all times be subject to such further orders and regulations as the City Council may make. He shall receive for his services such compensation as the City Council shall annually, or from time to time, allow.

[Passed May 18, 1846.]



[No. 6.]

AN ORDINANCE establishing a System of Accountability
in the Expenditures of the City.

Be it ordained, &c., as follows :

SECT. 1. There shall be annually appointed by the City Council, a Joint Standing Committee of Accounts,

whose duty it shall be to meet once in a month, and as much oftener as they shall deem expedient. It shall be their duty carefully to examine all accounts, claims and demands against the city, and certify the same to be correct, when found to be so.

SECT. 2. All accounts and other claims against the city, for labor done, services performed, or materials of any kind furnished for the use of the city, under the charge, direction or superintendence of the Mayor and Aldermen, Overseers of the Poor, School Committee, Fire Department, or any other officer or officers of the city, or by order of the City Council, or either branch thereof, shall, when presented to said Committee, be accompanied with a certificate of the Mayor, the President of the Common Council, or the proper certifying officer of each department, as the case may be, certifying the same to be correct; otherwise the same shall not be received or acted upon by said Committee.

SECT. 3. Said Committee shall keep a book, wherein they shall enter the date and amount of each and every claim they shall allow, the name of the person to whom the same shall be allowed, and designating the fund or appropriation from which the same shall be paid; and they shall, on or before the first Monday in March annually, and whenever requested by the City Council, or either branch thereof, report to the city the whole amount of accounts, claims and demands allowed.

SECT. 4. No money shall be paid out of the City Treasury, except on orders drawn and signed by the Mayor, designating the fund or appropriation from which said orders are to be paid. And the Mayor is

hereby authorized to draw orders on the Treasurer for the payment of all accounts, claims and demands allowed by the Committee of Accounts; and he shall not draw on the Treasury for the payment of any account, claim or demand, unless the same shall have been allowed by the Committee of Accounts, nor shall he draw any order for services rendered or materials furnished for any department beyond the sum appropriated by the City Council for the expenses of that department. *Provided*, however, that in any case where it is necessary for money to be paid in advance, on contracts made for work begun, but not completed, the Mayor, upon being satisfied of such necessity, may draw an order on the City Treasurer for the amount thus necessary to be advanced; *provided*, that every such order shall be countersigned by the City Clerk, who shall enter the same in the schedule of accounts, which he is required to present to the Committee on Accounts.

SECT. 5. It shall be the duty of the Treasurer and Collector, to collect and receive all rents which may be due to the city, and all accounts and other demands against persons indebted to the city, and under the direction of the Joint Standing Committee on Public Property, to seal and execute all necessary leases of city lands or buildings.

SECT. 6. It shall be the duty of the several departments and officers of the city, to cause to be delivered to the City Treasurer for collection, accounts against persons indebted to the city; and no department or officer of the city shall receive payment of any such account, and the receipt of the City Treasurer shall be deemed the only sufficient and valid discharge of debts

due to the city. *Provided*, however, that the Superintendent of the Almshouse, under the direction of the Overseers of the Poor, may receive payment for articles sold for cash, in any case in which the amount sold shall not exceed twenty dollars; and in every such case the money received shall, within one week from the time of payment, be paid to the City Treasurer, and his receipt therefor shall be forthwith delivered to the City Clerk, to be laid before the Committee on Accounts.

SECT. 7. The City Treasurer shall proceed without delay to collect all accounts which may be delivered to him for collection; and he shall faithfully account for all moneys received by him; and in any case in which he is unable to obtain an immediate settlement of an account, he shall report the same to the Mayor and Aldermen, and follow such directions as they may deem it for the interest of the city to prescribe. The report of the City Treasurer, and the directions of the Mayor and Aldermen, in every such case, shall be made in writing, and attested copies of the same shall be furnished by the City Clerk to the Committee on Accounts.

SECT. 8. It shall be the duty of the Committee on Accounts to audit the account of the City Treasurer, at the close of each municipal year, and as much oftener as they may deem expedient; and for this purpose they shall have access to all books and vouchers in his possession, or in the possession of the City Clerk, or any other officer of the city, and they shall in every case report to the City Council the result of their examination.

SECT. 9. The City Treasurer and Collector shall

give bonds with sufficient sureties, to the satisfaction of the Mayor and Aldermen, in the sum of forty thousand dollars, for the faithful performance of the duties of the said office of Treasurer and Collector, and that he will truly and justly account for all the moneys that may come into his hands.

SECT. 10. It shall be the duty of the Treasurer to keep in a neat and methodical style and manner, a complete set of books, under the direction of the Committee on Accounts; wherein shall be stated, among other things, the appropriation for each distinct object of expenditure, to the end that wherever the appropriations for the specific objects have been expended, he shall immediately communicate the same to the City Council, that they may be apprised of the fact; and either make a further appropriation or withhold further expenditure for such object or objects as they may deem expedient.

[Passed May 18, 1846.]



[No. 7.]

AN ORDINANCE to preserve the Public Health, by Regulating the Use of Chemical Laboratories, and the manufacture of White Lead and Red Lead.

Be it ordained, &c., as follows :

No person shall hereafter carry on the business, or exercise the trade or employment of manufacturing acids, or other articles usually manufactured in Chemical Laboratories, or White Lead, or Red Lead, within the limits of the City of Roxbury, in any building which has been or may hereafter be erected, or in any place except in such place or places, and in such build-

ings now erected, as have heretofore been and are now used for the same purpose, unless licensed so to do by the Mayor and Aldermen of said city; and every such license shall specify the place where such business, trade or employment may be carried on or exercised, and any and every person, who shall carry on or exercise the trade or employment of manufacturing acids, or other articles usually manufactured in Chemical Laboratories, or White Lead, or Red Lead, except as aforesaid, without license as aforesaid, shall be guilty of maintaining a public and common nuisance; and the Mayor and Aldermen of said City of Roxbury may abate the same.

[Passed May 21, 1846.]



[No. 8.]

AN ORDINANCE establishing a system for Collecting the
Taxes of the City of Roxbury.

Be it ordained, &c., as follows:

SECT. 1. It shall be the duty of the Collector of Taxes, as soon as the polls are ascertained, to collect or secure the tax of all such persons as are assessed a poll tax only.

SECT. 2. All persons who shall pay their taxes on or before the last day of September, shall be entitled to a discount of four per cent.; after which time no discount will be allowed; and on the first day of November, the Collector is directed to issue his summons to those who are then delinquent, that if their taxes are not paid within ten days from the date of said summons, with twenty cents for said summons, the Collector will then proceed to collect the same according to

law ; and the Collector shall give notice by attaching to all tax bills the above section of this Ordinance.

SECT. 3. For the convenience of the citizens of Wards Six, Seven and Eight, it shall be the duty of the Collector during the month of September, to sit at some convenient place one day, in either Wards Six or Seven, and one day in Ward Eight, for the reception of taxes ; and such days and places shall be designated on the tax bills when issued.

SECT. 4. The Collector shall be provided by the City Council with an office in some suitable and convenient place, which office shall be kept open every day (Sundays excepted) for the reception of taxes at such hours of the day as he may determine, excepting during the month of September, when his office shall be open from eight o'clock, A. M., to one o'clock, P. M., and from two o'clock, P. M., to five o'clock, P. M., each day, with the exception of two days in said month specified for receiving taxes in Wards Six, Seven and Eight.

[Passed June 8, 1846.]

[No. 9.]

AN ORDINANCE establishing the Office of Commissioner or Commissioners of Highways, and defining the Duties thereof.

[Repealed by Ordinance No. 40.]

[No. 10.]

AN ORDINANCE regulating the Fire Department of the City of Roxbury.

[Repealed by Ordinance No. 34.]

[No. 11.]

AN ORDINANCE establishing a Watch, for preserving the Safety and Good Order of the City of Roxbury.

Be it ordained, &c., as follows :

SECT. 1. The Mayor and Aldermen be, and they hereby are authorized and directed, to appoint twelve* sober, discreet, and able-bodied men, of good moral character, to be Watchmen in the easterly section of the City of Roxbury, from such hour in the evening until such hour in the morning, as the said Mayor and Aldermen shall appoint. And also a suitable person to be the officer of the Watch, who shall also be a discreet, sober and able-bodied man of good moral character. And the said officer and Watchmen shall continue in office until removed by the said Mayor and Aldermen, or death or resignation; and they shall receive such compensation for their services respectively, as the said Mayor and Aldermen shall establish; and shall be paid out of the treasury of the City of Roxbury, on orders drawn by the Mayor; and shall be removable at the pleasure of the said Mayor and Aldermen; and in case of a vacancy or vacancies, by death, resignation, removal, or otherwise, a successor or successors shall be forthwith appointed by said Mayor and Aldermen, to fill such vacancy or vacancies.

SECT. 2. The Officer of the Watch and the Watchmen appointed by virtue of this Ordinance, shall have the same powers, and shall be held and obliged to perform the same duties, as are required of such officers and watchmen by the seventeenth chapter of the Revised Statutes of the Commonwealth of Massachusetts.

* No limitation as to number. Ord. No. 31.

SECT. 3. Every Watchman shall be equipped in such manner as the Mayor and Aldermen shall determine.

[Passed July 27, 1846.]

[No. 12.]

An ORDINANCE in relation to Burial Grounds and the Interment of the Dead.

Be it ordained, &c., as follows :

SECT. 1. The Mayor, by and with the advice of the Board of Aldermen, may grant permits for building tombs and laying out lots in the burial grounds belonging to the city, and give titles therefor, on such terms and conditions as deemed by them expedient.

SECT. 2. The Mayor and Aldermen shall immediately appoint two or more persons to act as Undertakers, who may hold the office until removed. And in case of a vacancy, caused by removal or otherwise, it shall be the duty of the Mayor and Aldermen to supply said vacancy by a new appointment.

SECT. 3. It shall be the duty of the Undertakers, under the direction of the Mayor and Aldermen, to take the care and superintend such burial grounds as shall be assigned to them in their appointment; to detect and prosecute trespassers, and generally to exercise all the power and authority vested in the City Council in relation to burial grounds. It shall also be their duty, as soon as informed of the decease of any person within the limits of the city, to be interred in their district, to take the personal charge and oversight of all necessary arrangements for the removal and burial of the body of the deceased, and for the

funeral procession ; subject to such general or particular directions as they may at any time receive from the Mayor and Aldermen. It shall also be their duty, within one day after the burial or removal from the city of the body of any deceased person, to deliver to the City Clerk a certificate, stating the date of the death, the name and surname of the deceased, the sex, condition, (whether single or married,) age, occupation, place of death, place of birth, names of the parents, and disease or cause of death.

SECT. 4. In case of absence, sickness, or temporary disability of any of the Undertakers, his duties shall be performed by such other person as the Mayor may appoint.

SECT. 5. A funeral car shall be provided by the city and placed under the charge of each Undertaker, to be kept clean by them, and in such place and under such regulations as the Mayor and Aldermen may prescribe. The horse to transport said car or hearse shall be furnished by the Undertaker.

SECT. 6.* As a compensation for services to be performed by the Undertaker and such assistants as he may employ in digging out, filling the grave, attendance at the house, and going from the house to the grave or tomb, and for the use of the horse he may employ, he shall receive a sum not exceeding five dollars for the burial of each person twelve years old and upwards ; and a sum not exceeding three dollars for every child less than twelve years old,—to be paid by the person employing him.

SECT. 7. Whenever any person shall decease within

* Change of. Per Ord. No. 27.

the limits of the city, it shall be the duty of the nearest relative, or of the person in whose house the person may have died, or any other person who may have first become informed of the event, to cause the same to be made known to the Undertaker as soon as practicable.

SECT. 8. No person, except an Undertaker or one appointed by authority in his place, shall bury or remove the body of any deceased person, or undertake the management of any funeral; *provided*, that this prohibition shall not apply to the burial of inmates of the Almshouse, which shall be under the control of the keeper thereof, who shall make the returns to the City Clerk, as required by section three.

SECT. 9. All funerals shall take place between sunrise and sunset, unless otherwise permitted or directed by the Mayor. And the top of every coffin deposited in the ground, shall be at least three feet below the usual surface thereof.

SECT. 10. Any person who shall be guilty of a violation of any of the provisions of this Ordinance, or any of the regulations which may be prescribed by the Mayor and Aldermen in conformity thereto, shall forfeit and pay a sum of not less than two or more than twenty dollars.

SECT. 11. This Ordinance shall take effect and go into operation from and after its passage.

[Passed August 6, 1846.]

[No. 13.]

An ORDINANCE to prevent Unlawful and Injurious Practices in the Streets and other public places of the City.

Be it ordained, &c., as follows :

SECT. 1. No person, except the Surveyors of Highways in the lawful performance of their duties, and those acting under their orders, shall break or dig up the ground or stones, in any street, lane or alley, or on any sidewalk or common in the city, or erect any staging for building, or place or deposit any stones, bricks, timber, or other building materials thereon, without first obtaining a written license from the Mayor and Aldermen, or some person authorized by them to grant such license, and complying in all respects with the conditions of such license.

SECT. 2. The Mayor and Aldermen may grant a license in writing to any person, for the purpose of building, or other lawful purposes ; to dig up, obstruct or encumber so much and such parts of any street, lane, alley, sidewalk, or other public place in the city, and on such terms and conditions as they shall deem to be safe and proper.

SECT. 3. Whenever any street, lane, alley, sidewalk, or other public place in the city, shall, under any license granted as provided in the preceding section, be dug up, obstructed, encumbered, or otherwise rendered thereby unsafe or inconvenient for travellers, the person so licensed shall put, and at all times keep up a suitable railing or fence round the section or parts of any street, lane, alley, or other public place, so dug up, obstructed or encumbered, so long as the

same shall be or remain unsafe or inconvenient as aforesaid; and shall also keep one or more lighted lanterns fixed to such fence, or in some other proper manner, every night, from twilight in the evening, and through the whole night, so long as such railings or fence shall be kept standing. He shall also, within such reasonable time as the Mayor and Aldermen shall direct, amend and repair such street, lane, alley, sidewalk, or public place, to the acceptance of said Board.

SECT. 4. No person shall make, erect or maintain any door-step, portico, porch, entrance or passage-way to any cellar or basement, or any other structure, in or upon any street, alley, lane or sidewalk, in the city,* without permission in writing from the Mayor and Aldermen. No person shall suffer the platform or grate of the entrance or passage-way to his cellar or basement, heretofore constructed, or which may hereafter be constructed, in any street, lane, alley or sidewalk, to rise above the even surface of such street, lane, alley or sidewalk; and every such entrance or passage-way shall be at all times kept covered by a suitable and substantial platform or grate; or in case it shall be kept open, it shall be guarded and protected by a sufficient railing, on both sides thereof, at least two feet and a half high, and well lighted at night. No person shall permit or suffer his well, cistern or drain, in any street, lane, alley or sidewalk, in the city, to be or remain open or uncovered, unless the same shall be enclosed by a strong and safe curb, guard or fence.

SECT. 5. If any person shall dig or sink, or cause to be dug or sunk, any well, cellar, cistern, drain or other

* Concerning Gates. Ord. No. 23.

cavity in the ground, near to or adjoining any street, lane or alley in the city, he shall put up and at all times keep up, so long as it shall be necessary for the purpose, a railing or fence, on or near the line of such street, lane or alley, sufficient to guard and protect travellers and passengers from falling into, or being injured thereby.

SECT. 6. No person shall continue any cart, carriage or vehicle of any description, with or without a horse, horses, or other animal or animals attached thereto, in any street or way, so as to obstruct the same, after having been requested by any person having occasion to use such street or way, or after having been ordered by the Mayor, or by any other person by him authorized, or by the City Marshal, to remove such obstruction.

SECT. 7. No person shall wheel, drive, draw, or pass with any hand-cart, wheel-barrow, hand-sled, or any other carriage of burthen or pleasure, or permit any horse, ox or other beast, under his care, to go upon any sidewalk in the city, or otherwise occupy, obstruct or encumber the same, by any trunk, bale, barrel, box, crate, cask, or any package, article or thing whatsoever, or in any way obstruct any street, lane, alley or sidewalk, so as to interfere with the convenient use of the same by all passengers. No person shall stop his team or carriage, or unnecessarily place any obstruction on any flagging stones laid, or that shall hereafter be laid in or across any street, lane or alley in the city; and in streets where there are no raised sidewalks, five feet in width next adjoining the lands of the abutters on each side of such street shall be deemed and taken to

be the sidewalks of the same, within the meaning of this Ordinance.

SECT. 8. No person shall ride any horse, or drive any horse or horses attached to a carriage of any description, either of burthen or pleasure, or cause the same to be rode or driven in any street, lane or alley, or over any bridge in the city, at an immoderate gait, so as to endanger or expose to injury any person standing, walking or riding in or on the same. And every person having any truck, cart, wagon or other team of burthen under his care, shall, when driving or passing in or upon any street, lane, alley or bridge in the city, hold the reins of his horse or horses in his hand, or be in such position, and so near the team he is driving, as to be able at all times to guide, restrain and govern the same.

SECT. 9. No person shall put or place, or cause to be put or placed, carry or cart, or cause to be carried or carted, in or upon any street, lane, alley or other public place in the city, any house dirt, ashes, soot, garbage, carrion, shreds, shavings, filth, suds, oyster, clam, or lobster shells, dung, offal, stones, brick, masons' or bricklayers' rubbish, or any other kind of rubbish, except in such place and in such manner, as the Mayor and Aldermen shall prescribe.

SECT. 10. No person shall suffer his firewood, coal, or other fuel, in any quantity, to remain unnecessarily on any sidewalk, or in any street, lane or alley, in the city, over night, or after twilight, in the evening. If the same must of necessity remain after twilight, or through the night, the owner thereof shall place and keep a sufficient light over or near the same, through the night, in order to give notice thereof to travel-

lers and passengers, and thereby prevent injury to them.

SECT. 11. No person shall saw any firewood, or pile the same upon the foot or sidewalks of any of the streets or lanes of the city, and no person shall stand on any such foot or sidewalk with his wood-saw or horse, to the hindrance or obstruction of any foot passenger.

SECT. 12. No person shall move, or assist in moving, any house, shop, or other building, through any street, lane or alley, or over any bridge, in the city, unless a written license shall have been obtained to remove the same, as provided in the second section of this Ordinance.

SECT. 13. Any person who shall throw or put, or cause to be thrown or put, any snow or ice into any street, lane or alley, in the city, shall cause the same to be broken up and spread evenly over the surface of such street, lane or alley.

SECT. 14. No person shall swim or bathe in any of the waters within or surrounding the city, so as to be exposed to the view of passengers or other persons passing or being in any street, lane, alley or house, or upon any railroad within the city.

SECT. 15. No person shall expose, in or upon any street, lane, alley, public place, common or sidewalk, in the city, any table or device of any kind, by or upon which any game of hazard or chance can be played; nor shall any person play any such game, at such table or device, in or upon any street, lane, alley, public place, common or sidewalk in the city. No person shall place or keep any table, stall, booth, or other erection, in any street, lane, alley, or public place, or on

any sidewalk in the city, for the sale of fruit or other thing, without permission from the Mayor and Aldermen.

SECT. 16. No person shall, except in the performance of some duty required by law, discharge any gun, pistol, or other fire-arm, loaded with balls or shot, or with powder only, within the city, or in or upon any street, lane, alley, public place or wharf, or within fifty rods thereof, or within fifty rods of any building in the city, in any yard, garden or field therein.

SECT. 17. No person shall fire any squib, cracker, serpent, or other preparation whereof gunpowder is an ingredient, or which consists wholly of the same, or make any bonfire in or upon any street, lane or public place, or wharf within the city.

SECT. 18. No person shall behave himself in a rude or disorderly manner, or use any indecent, profane or insulting language, in any street, lane, alley or other public place in the city, or near any dwelling-house or other building therein; or coast or course upon any sled or sleds, in any street, lane, alley, or other public place, in the city, or be or remain upon any sidewalk, or upon any door-step, portico or other projection from any such house or other building, to the annoyance or disturbance of any person. No person shall make any indecent figures nor write any indecent or obscene words upon any fence, building or other public place within the city. No person shall by any noise, gestures or other means, wantonly and designedly frighten or drive any horse, in any street or other public place in the city. No person shall use or shoot with bows and arrows, or play at any unlawful game, or at ball, with marbles, dice, cards, paw-paws, coppers, cents or

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other coin, or fly any kite or balloon, or throw any stones, clubs, snow-balls or other missile, in any street, lane, alley, or other public place within the city.

SECT. 19. No person shall suffer any spout to lead or cast water upon any sidewalk over the heads of passengers.

No person shall suffer a cellar door, or passage from the sidewalk into any cellar, to be kept open when not in immediate use, after the beginning of twilight, except a good and sufficient light be constantly kept at the entrance of such passage.

SECT. 20. No person shall injure, deface or destroy any guide post or guide board, any lamp post or lamp or lantern thereon, heretofore erected, or which shall be erected in the city ; or any tree, building, fence, post or other thing, set, erected or made, for the use or ornament of the city.

SECT. 21. No person shall erect any post or posts in any street or public place in the city, except by permission of the Mayor and Aldermen ; and no person shall cut down, dig up, deface or destroy any post or posts which are or may be erected by permission as aforesaid, except license be first obtained from the owner thereof, or from the Mayor and Aldermen ; and the Mayor and Aldermen are hereby expressly authorized to remove any post or posts standing in any street or public place.

SECT. 22. No person shall place or keep in front of any building, any awning or shade less than seven feet and a half in height at the lowest part thereof ; nor shall such awning or shade extend beyond the line of the sidewalk.

SECT. 23. No horse shall be turned out loose, or suf-

ferred to go at large, or to go to water in the city, without a suitable person to lead or drive him.

No person shall permit any horse, swine, goat, cow or other neat cattle, belonging to him, or under his control, to graze in any street, lane or alley, or on any common in the city, nor to go at large therein.

SECT. 24. No person shall erect or cause to be erected, any fence or building, adjoining any street or public ground, without first having ascertained the bounds of the same, by application to the Mayor and Aldermen for that purpose.

SECT. 25. No person shall blast any rock or other substance, with gunpowder, at any place within fifty rods of any public place or highway in the city, without license of the Mayor and Aldermen, in writing, specifying the terms and conditions on which said license is granted : *provided*, however, that the remedy of any person injured by the blasting of rocks shall not be affected by this section, nor shall it be considered as applying to the Surveyors of Highways in the discharge of their official duties.

SECT. 26. No person shall take hold of or ride upon the back of any chaise, sleigh, coach or other carriage, used for the transportation of persons, while the same is passing any street or highway of said city, without the permission of the owner or driver of the same.

SECT. 27. Any person who shall offend against any of the provisions of this Ordinance, shall forfeit and pay for each and every offence a sum not less than one dollar, nor more than twenty dollars.

SECT. 28. No person shall be prosecuted or tried for any breach of the provisions of this Ordinance, unless the complaint for the same shall be instituted

and commenced within six months from the time of committing such breach.

SECT. 29. This Ordinance shall take effect and go into operation from and after the expiration of ten days after its passage.

[Passed August 6, 1846.]

[No. 14.]

An ORDINANCE prescribing Rules and Regulations relative to Nuisances, Sources of Filth and Causes of Sickness within the City of Roxbury.*

Be it ordained, &c., as follows :

SECT. 1. That the department of internal and external Police, so far as it regards the preservation of the health of the city, be placed under the superintendence of the City Marshal; whose duty it shall be and he shall have power to carry into execution all the ordinances, rules and laws made by the City Council, relative to causes of sickness, nuisances and sources of filth, that may be injurious to the health, or may affect the comfort of the inhabitants of the city, which do or may exist within the limits thereof; subject always to the direction, authority and control of the Mayor and Aldermen; and it shall be the duty of the City Marshal to cause all such nuisances, sources of filth and causes of sickness, to be prevented, removed or destroyed, as the case may require, conformably to the ordinances of the City Council as aforesaid, and the laws of the Commonwealth; and to this department shall belong the care of the streets, the care of the common sewers, and the care of the vaults, and

* Burial Grounds, &c. Ord. No. 26.

whatever else affects the health, security and comfort of the city, from causes or means arising or existing within the limits thereof.

SECT. 2. In the month of May or June annually, there shall be appointed, by concurrent vote of the City Council, one or more consulting physicians, whose duty it shall be, in case of an alarm of any contagious, infectious, or other dangerous disease occurring in the city or neighborhood, to give to the Mayor or either Board of the City Council, all such professional advice and information as they may request, with a view to the prevention of the said diseases, and at all convenient times, to aid and assist them with their counsel and advice in all matters that relate to the preservation of the health of the inhabitants.

SECT. 3. Whenever any person, coming from abroad or residing in the city, shall be infected, or shall lately before have been infected with any contagious, infectious or other disease dangerous to the public health, the Mayor and Aldermen shall have all the powers in relation thereto with which boards of health or selectmen of towns are invested, in such cases, by the laws of this Commonwealth ; to be carried into execution in such manner as they shall deem expedient.

SECT. 4. Each and every tenement within the City of Roxbury, that is, or may hereafter be used as a dwelling-house, shall, whenever required by the Mayor and Aldermen, be provided with a sufficient drain under ground to carry off the waste water ; and also with a suitable privy, and of a sufficient capacity in proportion to the number of inhabitants of such tenement, which vault and drain shall be in common and subject to the use of all said inhabitants.

SECT. 5. For any offence against the provisions of the foregoing section, the owner or owners of each and every tenement so used, as aforesaid, shall forfeit and pay a sum not less than five dollars nor more than twenty dollars, for each and every week during which said tenement, or any part thereof, shall be used as a dwelling-house.

SECT. 6. If the Mayor and Aldermen shall at any time be satisfied that any tenement, used as a dwelling-house, is not provided with a suitable privy, and vault, and drain, or either of them as aforesaid, and in their opinion it shall be necessary for the public health, they may give notice in writing to the owner thereof, or his agent, if either be an inhabitant of the city, or if otherwise, public notice in a newspaper printed in Roxbury, if any newspaper be printed therein, if not, in two newspapers printed in Boston, requiring such owner or agent, within such time as they shall appoint, to cause a proper and sufficient privy, and vault, and drain to be constructed for such tenement, to be common and subject to the use of all the inhabitants thereof; and in case of neglect or refusal to obey such notice, the Mayor and Aldermen shall have power to cause such privy, and vault, and drain to be made for such tenement, the expense of which shall be paid by such owner or agent.

SECT. 7. Whenever it shall appear to the Mayor and Aldermen, that any cellars, lots or vacant grounds are in a state of nuisance, or so situated that they may become a nuisance, and the health of the inhabitants be endangered, it shall be their duty, and they are authorized to cause a notice in writing to be served upon the owners or occupants thereof, and if there

should be no occupants, and the owners should not reside in the city, then to give public notice by advertising in one of the newspapers printed in this city, and if no newspaper shall be printed in this city, then in two newspapers printed in the City of Boston, directing said owners or occupants to have said nuisance or cause of nuisance removed, by draining, filling up, or otherwise, in the manner as may be prescribed in such notice ; and in case of neglect, or refusal to obey said notice, the Mayor and Aldermen shall have power to remove the same, by filling up, draining or otherwise, as they shall deem expedient ; and said owners or occupants shall defray and pay the expense thereof.

SECT. 8. No person or persons, unless by leave of the Mayor and Aldermen, shall throw or deposit, or cause to be thrown or deposited in any street, court, square, lane, alley, public square or vacant lot, or into any pond, creek or river, any dirt, saw-dust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster, lobster, or clam shells, waste water, rubbish or filth of any kind, or any animal or vegetable matter or substance whatever. Nor shall any person or persons throw or cast any dead animal, or any foul or offensive ballast, into any dock, or any other of the waters within or adjoining the city. Nor shall any person land any foul or offensive animal or vegetable substance within the city.

SECT. 9. If any of the substances, in the preceding section mentioned, shall be thrown or carried from any house, warehouse, shop, cellar, yard or other place, into any street, lane, alley, court, square, public place or vacant lot, as well the owner of such house, or other place, whence the same shall have been thrown or car-

ried, as the occupant thereof, and the person who actually threw and carried the same, shall severally be held liable for such violation of this Ordinance; and all such substances shall be removed from the street, lane, alley, court, square, public place or vacant lot, by and at the expense of the owner or occupant of the house, or other place whence the same were thrown or carried, within two hours after personal notice in writing to that effect, given by the Mayor and Aldermen or City Marshal.

SECT. 10. All dirt, saw-dust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster, lobster or clam shells, waste water or any animal or vegetable substance, rubbish or filth of any kind, in any house, warehouse, cellar, yard, or other place, which the Mayor and Aldermen or City Marshal shall deem it necessary for the health of the city to be removed, shall be carried away therefrom by and at the expense of the owner or occupant of such house or other place, where the same shall be found, and be removed to such place as he shall be directed, within four hours after notice in writing to that effect, given by the Mayor and Aldermen, or the City Marshal.

SECT. 11. No person shall sell, or offer for sale, or have in his possession, in any of the public or private markets, or in any other place, any unwholesome, stale, or putrid meat, fish or fruit, or other articles of provisions; or any meat which has been blown, raised or stuffed, or any diseased or measly pork.

SECT. 12. The Mayor and Aldermen are authorized to prohibit the keeping of swine or goats in any part or parts of the city where they shall deem that the keeping of such animals would be detrimental to the

health or comfort of the citizens in the neighborhood thereof, residing or passing,—and shall have power to remove, or cause to be removed any swine or goat from any place where the keeping of such animals are prohibited to be kept.

Any and every person who shall keep any swine or goat in any place in the city in which such animals are prohibited to be kept, or from whence he is required to remove the same, six hours after having received notice from the Mayor and Aldermen in writing, to remove the same, or that such animals are prohibited to be kept in such place, shall forfeit and pay the sum of three dollars, for each and every swine or goat so kept, for each and every day during which he shall so keep the same or any of them.

SECT. 13. Whenever any person shall have been duly notified to remove any nuisance, or to cleanse, alter or amend any vault or drain, or to perform any other act or thing which it may be his duty to perform, in obedience to the laws of the Commonwealth, or the rules, orders, regulations, by-laws, or ordinances for the preservation of the health of the city, which are now, or which hereafter shall be made, by lawful authority, and the time limited to the performance of such duty shall have elapsed, without a compliance with such notice, the City Marshal shall issue new notices from time to time to such delinquents, until the duty shall be executed, and the nuisance remedied or removed. And the Mayor shall cause all persons who shall violate or disobey the said health laws and regulations, to be forthwith prosecuted and punished. And in case, in the opinion of the Mayor and Aldermen, it shall be for the health or comfort of the inhab-

itants that any particular nuisance shall be forthwith removed, and without delay, it shall be their duty to cause the same to be removed accordingly, at the expense of the owner or owners of the land upon which the said nuisance exists.

SECT. 14. The City Marshal, or any person authorized by the Mayor for that purpose, shall and may, at any time, between sunrise and sunset, enter into any building within the city, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth or cause of sickness therein ; or in any cellar belonging thereto. And if any person shall refuse to admit such officer, or other person so authorized, into said building, the City Marshal shall, on oath, complain to any Justice of the Peace within said city, and shall apply for his warrant, according to the statute in such case made and provided, and shall thereupon proceed, under the authority of said Court, to examine such building or other place, and to destroy, remove or prevent any nuisance, source of filth or cause of sickness, that may be found there, in such manner as the Mayor and Aldermen shall direct. And the said City Marshal, or any person authorized as aforesaid, shall, and may, at any time between sunrise and sunset, enter into any yard or lot of ground, or into any out-house, and examine any alley, sink, cess-pool, privy, vault, public or private dock or slip, or drain, or sewer, and shall report to the Mayor and Aldermen all such as the health or security of the city may require to be cleansed, altered or amended.

SECT. 15. Any person offending against any of the provisions of this Ordinance, to which a particular penalty is not annexed, shall forfeit and pay for each

and every offence a sum not less than three nor more than twenty dollars.

SECT. 16. This Ordinance shall take effect and go into operation from and after the tenth day of August current.

[Passed August 6, 1846.]

[No. 15.]

AN ORDINANCE directing the Manner in which the Ordinances of the City Council shall be promulgated.

Be it ordained, &c., as follows :

All the Ordinances of the City Council shall be published and promulgated by causing the same to be inserted three weeks successively in such newspaper printed in this city as shall annually be designated by the City Council, by concurrent vote ; or, in case no newspaper shall be printed and published in this city, in such newspaper or newspapers published and printed in the City of Boston as the said City Council shall from time to time designate.

[Passed August 6, 1846.]

[No. 16.]

AN ORDINANCE restraining the going at large of Dogs within the City of Roxbury.

Be it ordained, &c., as follows :

SECT. 1. From and after the tenth day of August, one thousand eight hundred and forty-six, no dog shall

be permitted to go at large or loose, in any street, lane, alley or court, nor any uninclosed or public place in this city, until the owner or keeper of such dog, or the head of the family, or the keeper of the house, where such dog is kept or harbored, shall have paid to the City Treasurer one dollar, for a license for such dog to go at large, nor unless he shall also cause a collar to be constantly worn by such dog, having the name of the owner thereof with the word "Roxbury" legibly written, stamped or engraved thereon, and it shall be the duty of said Treasurer, to grant a license to any citizen, for his or her dog to run at large, upon payment of such sum, which license shall particularly describe the dog licensed, and the Treasurer shall keep a record of the names of all persons to whom such licenses shall be by him granted.

SECT. 2. The licenses which shall be issued as aforesaid, shall endure and be in force until the first day of August next after the time of issuing the same, and no longer, but they may be at that time renewed, and thereafter annually, on payment to the City Treasurer the like sum of one dollar, and complying with the other requirements in the first section of this Ordinance. And in case any dog shall be found loose or going at large, as aforesaid, contrary to the provisions of this Ordinance, the owner or keeper thereof, or the head of the family, or keeper of the house where such dog is kept or harbored, shall forfeit and pay a sum not exceeding ten dollars.

SECT. 3. On complaint made to the City Marshal, of any dog, within the city, which shall, by barking, biting, howling, or in any other way or manner disturb the quiet of any person or persons whomsoever, the

City Marshal, on such complaint, shall issue notice thereof to the person keeping or permitting such dog to be kept, or to the owner thereof, and in case such person or owner, for the space of three days after such notice, neglect to cause such dog to be removed and kept beyond the limits of the city, or to be destroyed, he or she shall forfeit and pay a sum not exceeding fifty cents, for every day which shall elapse until such dog shall be removed or destroyed as aforesaid: *provided*, that the Justice before whom such complaint shall be heard and tried, shall be satisfied that such dog had, in manner aforesaid, disturbed the quiet of any person or persons in said city.

SECT. 4. If any person, after being convicted under the provisions of the third section of this Ordinance, shall still neglect or refuse to destroy his or her dog, on being ordered so to do, or if any dog, of which no owner or keeper shall be discovered, or whose owner or keeper shall refuse or neglect to take out a license for such dog, shall be found going at large contrary to the provisions of this Ordinance, it shall be the duty of the City Marshal to cause such dog or dogs to be destroyed.

SECT. 5. Nothing contained in this Ordinance shall extend to any dog not owned or kept in this city, excepting, however, it shall be the duty of the City Marshal, at all times, hereafter, to cause every dog to be destroyed, wheresoever owned or kept, going at large within the city, not having a collar about his neck, with the name and place of residence of the owner or keeper of such dog, legibly marked on the same, according to the provisions of the Revised Statutes of this Commonwealth, chapter fifty-eight.

SECT. 6. This Ordinance shall take effect and go into operation from and after the tenth day of August, one thousand eight hundred and forty-six.

[Passed August 6, 1846.]

[No. 17.]

An ORDINANCE requiring a separate Record to be kept of the Streets and Highways in the City.

Be it ordained, &c., as follows :

The City Clerk shall keep a book in which the names of all the streets and highways, which now are or may hereafter be accepted or laid out in the city, shall be alphabetically arranged, with the date of such laying out or acceptance, and the width thereof, and all alterations therein from time to time.

[Passed September 14, 1846.]

[No. 18.]

An ORDINANCE to establish the City Seal.

Be it ordained, &c., as follows :

That the following be the device of the City Seal, as suggested by B. E. Cotting, M. D., to wit: On the right of the centre of the foreground, a young matron, seated, resting her left arm upon a shield, on which are inscribed the Arms of the State; holding in her extended right hand a Mural Crown, as in the act of presenting it;—on the centre and left of the background, a view of the City; in front of which, on the middle ground a train of railroad cars passing towards the me-

tropolis ; above, on a scroll, the word ROXBURY ; beneath, CONDITA, A. D. 1630. In the lower semi-circle of the border, CIVITATIS REGIMINE DONATA, A. D. 1846 ; and in the upper, the motto, SAXETUM DEXTRIS DEOQUE CONFIDENS.



[Passed October 26, 1846.]

[No. 19.]

An ORDINANCE relative to the Enacting style of the City Ordinances.

Be it ordained, &c., as follows :

SECT. 1. All by-laws passed by the City Council, shall be termed "Ordinances," and the enacting style shall be, "*Be it ordained by the City Council of the City of Roxbury, as follows :—*"

SECT. 2. The enacting clause of the following City Ordinances, viz. :

An Ordinance establishing a system of accountability in the expenditures of the City—passed May 18, 1846 :

An Ordinance authorizing the appointment and establishing the duties of a City Marshal—passed May 18, 1846 :

An Ordinance concerning the form of Warrant, and the service and return thereof—passed May 18, 1846 :

An Ordinance establishing the office of City Messenger—passed May 18, 1846 :

An Ordinance relating to the election of certain City officers—passed May 18, 1846 :

An Ordinance prescribing the manner of recording the Ordinances of the City—passed May 18, 1846 :

An Ordinance establishing a system for collecting the Taxes of the City of Roxbury—passed June 8, 1846 :

An Ordinance establishing the office of Commissioner or Commissioners of Highways, and defining the duties thereof—passed June 22, 1846 :

An Ordinance regulating the Fire Department of the City of Roxbury—passed July 20, 1846 :

An Ordinance establishing a Watch, for preserving the safety and good order of the City of Roxbury—passed July 27, 1846 :

An Ordinance restraining the going at large of Dogs within the City of Roxbury—passed August 6, 1846 :

An Ordinance in relation to Burial Grounds and the interment of the dead—passed August 6, 1846 :

An Ordinance prescribing rules and regulations relative to nuisances, sources of filth and causes of sickness within the City of Roxbury—passed August 6, 1846 :

An Ordinance directing the manner in which the Ordinances of the City Council shall be promulgated—passed August 6, 1846 :

Shall be so amended that the same may conform to the provision of the first section of this Ordinance, and the words “Be it further ordained that,” wherever the same occurs in said ordinances, shall be stricken out.

SECT. 3. This Ordinance shall take effect from and after its passage.

[Passed May 24, 1847.]

[No. 20.]

AN ORDINANCE providing for the Execution of Deeds, Leases, and other legal instruments in behalf of the City.

Be it ordained, &c., as follows :

SECT. 1. The Mayor of the City is hereby authorized and empowered to affix the City Seal unto, and to execute and deliver in behalf of the City, all deeds and leases of lands and buildings sold or leased by the City, and all discharges, releases, assignments, agreements or other legal instruments, made and entered into by order of the City Council.

SECT. 2. The fifth section of the Ordinance establishing a system of accountability in the expenditures of the City, so far as the same relates to the execution of leases by the City Treasurer, is hereby repealed.

SECT. 3. This Ordinance shall take effect from and after its passage.

[Passed May 24, 1847.]

[No. 21.]

AN ORDINANCE in addition to an Ordinance regulating the Fire Department of the City of Roxbury.

[Repealed by Ordinance No. 34.]

[No. 22.]

AN ORDINANCE relating to the Expenditures for Schools.

Be it ordained, &c., as follows :

SECT. 1. The appropriations made by the City Council for the salaries of the teachers of the public schools, shall be expended under the direction of the School Committee ; and all bills and accounts for the same, and all bills and accounts for books, stationery, maps and scientific apparatus, furnished for the schools by the School Committee, when certified by the Chairman or Secretary of said Committee, shall be audited by the Committee on Accounts and be paid from the City Treasury.

SECT. 2. Whenever any new school house or the enlargement of any school house shall be required, it shall be the duty of the Committee on Public Property to confer with the School Committee as to the location and building or enlargement of such school house ; and said Committee, when directed by the City Council, shall purchase land for that purpose, and by contract or otherwise, erect or enlarge such school house in such manner and after such plans as they may deem expedient. *Provided*, that the expense shall not exceed the appropriation therefor ; and said Committee shall also provide rooms and furnish the same for the use of schools, whenever such rooms and furniture shall be necessary, provided that the expense thereof shall not exceed the sum of one hundred dollars in any one instance.

SECT. 3. The Committee on Public Property shall cause all necessary repairs to be made in and upon the

several school houses and the grounds attached thereto, belonging to the city, and provide all necessary articles for the comfort and convenience of the schools (with the exception of fuel) that may be deemed necessary, provided the School Committee may make any necessary repairs and provide all articles that they may deem necessary for the comfort and convenience of the schools, whenever such repairs or supplies shall not exceed the sum of fifty dollars in any one instance.

SECT. 4. This Ordinance shall take effect from and after its passage.

[Passed July 26, 1847.]



[No. 23.]

AN ORDINANCE in addition to "An Ordinance to prevent unlawful and injurious practices in the Streets and other public places of the City."

Be it ordained, &c., as follows :

SECT. 1. No person shall make, erect or maintain any gate, in or upon any street, lane, alley or sidewalk in the city, in such manner, as when opening the same, it shall swing over such street, lane, alley or sidewalk.

SECT. 2. Any person who shall offend against the provisions of this Ordinance, shall be liable to the forfeitures and may be prosecuted and tried in the manner prescribed in the Ordinance to which this is an addition.

[Passed March 20, 1848.]

[No. 24.]

An ORDINANCE establishing the Name of the Rural Cemetery.

Be it ordained, &c., as follows :

SECT. 1. The Rural Cemetery recently established by the City Council, shall be called and known by the name of "FOREST HILLS."

SECT. 2. This Ordinance shall take effect from and after its passage.

[Passed July 3, 1848.]



[No. 25.]

An ORDINANCE in relation to Numbering Houses and other buildings.

Be it ordained, &c., as follows :

The Mayor and Aldermen shall have power to cause numbers of regular series to be affixed to all dwelling houses and other buildings, fronting on any street, lane, alley or public court within the City of Roxbury, at their discretion ; and shall also have power to determine the form, size and material of such numbers, and the mode, place, succession and order of affixing them on the houses and other buildings : *provided* it can be done without expense to the city.

[Passed October 10, 1848.]

[No. 26.]

An ORDINANCE in addition to "An Ordinance prescribing Rules and Regulations relative to nuisances, sources of filth and causes of sickness within the City of Roxbury."

Be it ordained, &c., as follows :

SECT. 1. No burial ground or cemetery shall hereafter be enlarged or established in the City of Roxbury, nor shall any dead body be buried in any place within said city, other than such as shall have been established or used as a cemetery before the passage of this Ordinance, unless permission shall have been previously given by the City Council.

SECT. 2. The top of each and every coffin deposited in the ground in any such burial place within said city, shall be at least three feet below the usual surface thereof.

SECT. 3. Any person offending against any of the provisions of this Ordinance, shall forfeit for each and every offence, a sum not less than five or more than twenty dollars, and shall also be liable to prosecution for the penalty for such offences established by the twenty-first chapter of the Revised Statutes.

SECT. 4. All Ordinances, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECT. 5. This Ordinance shall take effect from and after its passage.

[Passed December 11, 1848.]

[No. 27.]

AN ORDINANCE in addition to "An Ordinance in relation to Burial Grounds and the Interment of the Dead."

Be it ordained, &c., as follows :

SECT. 1. Fees not exceeding the following, shall be collected and paid for the services of the Undertakers, instead of those established by the Ordinance, to which this is in addition, viz. : For digging a grave and covering the same, for a person over ten years of age, *one dollar*, and for a child not over ten years of age, *sixty-three cents* ; for opening and closing a tomb for the reception of a corpse, *fifty cents* ; for services at the funeral and transporting in a car the body of a person over ten years of age to the place of interment, *four dollars*, and of a child not over ten years of age, *three dollars* ; for removing a body from a grave to a grave or tomb, *four dollars* ; and from a tomb to a grave or tomb, *two dollars and twenty-five cents* ; for attending funerals of deceased persons brought from other places into this city for interment, if in a grave, *two dollars*, but if in a tomb, *one dollar* ; for removing a deceased person from this city to any other city or town, or from any city or town to this city, for interment, *three dollars*.

SECT. 2. So much of the "Ordinance in relation to Burial Grounds and the Interment of the Dead," passed August 6, 1846, to which this is in addition, as is inconsistent herewith, is hereby repealed.

SECT. 3. This Ordinance shall take effect from and after its passage.

[Passed January 8, 1849.]

[No. 28.]

AN ORDINANCE in addition to "An Ordinance to prevent unlawful and injurious practices in the Streets and other Public Places in the City."

Be it ordained, &c., as follows :

SECT. 1. The Mayor and Aldermen shall establish such places as they may deem necessary, as stands for the sale and measuring of wood and bark brought into the city in carts, wagons or sleds, from the country.

SECT. 2. Any person bringing wood or bark into the city for sale, as aforesaid, who shall, before or after the same has been duly measured, stand for sale thereof in any other street or place than those appointed by the Mayor and Aldermen, shall forfeit and pay a sum not exceeding two dollars for each offence.

SECT. 3. This Ordinance shall take effect and go into operation from and after the fifteenth day of January, eighteen hundred and forty-nine.

[Passed January 8, 1849.]



[No. 29.]

AN ORDINANCE prescribing the form of Deeds to be executed for the conveyance of Lots in Forest Hills Cemetery.

WHEREAS, the Commissioners of the Forest Hills Cemetery have prepared a form for the conveyance of lots in said Cemetery, hereinafter set forth, and have advised that the same be approved and adopted by the City Council, therefore,

Be it ordained, &c., as follows :

SECT. 1. The form of the deeds to be executed for the conveyance of lots in Forest Hills Cemetery, by

the Commissioners of said Cemetery, shall be as follows, viz. :

KNOW ALL MEN BY THESE PRESENTS, That the City of Roxbury, in the County of Norfolk, and Commonwealth of Massachusetts, in consideration of — dollars, paid to it by — —, the receipt whereof is hereby acknowledged, doth hereby grant, bargain, sell and convey to the said — —, heirs and assigns, One Lot of Land in the Rural Cemetery in said Roxbury, called the Forest Hills Cemetery, situated on the way called — —, and the sole and exclusive right of burial of the dead therein : The said granted lot contains — superficial square feet, and is numbered — on the plan of said Cemetery, which is in the possession of the Board of Commissioners having the care, superintendence and management thereof, and may be inspected by the said grantee, his heirs and assigns, at all reasonable times. To have and to hold, the aforegranted premises unto the said — —, heirs and assigns forever ; but subject to the restrictions, limitations and conditions, and with the privileges following, viz. :

First. That the proprietors of the said lot shall have the right to enclose the same with a wall or fence, not exceeding one foot in thickness, which may be placed on the adjoining land of the said city, exterior to the said lot.

Second. That the said lot shall not be used for any other purpose than as a place of burial for the dead ; and no trees within the lot or border shall be cut down or destroyed, without the consent of the said Commissioners.

Third. That the proprietors of said lot shall have the

right to erect monuments, cenotaphs or stones, commemorative of the dead ; or to cultivate trees, shrubs or plants in the same.

Fourth. That the proprietor of said lot shall erect, at his own expense, suitable landmarks of stone or iron at the corners thereof, and shall cause the number thereof to be legibly and permanently marked on the premises ; and if the proprietor shall omit for thirty days after notice to erect such landmarks and to mark the number, the Commissioners shall have authority to cause the same to be done at the expense of said proprietor.

Fifth. That if any trees or shrubs in said lot shall become in any way detrimental to the adjacent lots or avenues, or dangerous and inconvenient, it shall be the duty of said Commissioners for the time being, to enter into said lot and remove said trees or shrubs, or such parts thereof as are thus detrimental, dangerous or inconvenient.

Sixth. That if any monument or effigy, cenotaph or other structure whatever, or any inscription, be placed in or upon the said lot, which shall be determined by a majority of the said Commissioners for the time being, to be offensive or improper, the said Commissioners, or a majority of them, shall have the right and it shall be their duty to enter upon said lot and remove said offensive or improper object or objects.

Seventh. No fence shall, at any time, be erected or placed in or around said lot, the materials or design of which shall not first have been approved by said Commissioners, or a committee of them.

Eighth. No tomb shall be constructed or allowed within the bounds of the Cemetery, unless by special

permission of the said Board of Commissioners, and in such places and in such manner as the Commissioners shall direct. And no proprietor shall suffer the remains of any person to be deposited within the bounds of his lot for *hire*.

Ninth. The said lot shall be indivisible; and upon the death of the grantee, the devisee of said lot, or the heir at law, shall be entitled to all the privileges of the original grantee: and if there be more than one devisee or heir at law, the said Board of Commissioners shall designate which of said devisees or heirs at law shall then exercise the right of using said lot, which designation shall continue in force until by death or removal, or other sufficient cause, another designation shall become necessary; and in making such designation said Commissioners shall, as far as they conveniently may, give the preference to males over females, and to proximity of blood and priority of age; having due regard, however, to proximity of residence.

Tenth. The said lot shall be holden subject to all by-laws, rules and regulations made and to be made by the said Board of Commissioners, in pursuance of authority granted to them in and by any act or acts of the Commonwealth of Massachusetts.

And the said City of Roxbury hereby covenants to and with the said ———, heirs and assigns, that the said city is lawfully seized in fee simple of the aforegranted premises, and of the ways leading to the same from the highway, that the granted premises are free from all incumbrances, that the said city hath good right to sell and convey the same to the said ———, in the manner and for the purposes afore-

said, and will warrant and defend the same unto the said ———, heirs and assigns forever.

IN WITNESS WHEREOF, the said City of Roxbury hath caused these presents to be signed by ———, the Chairman of the said Board of Commissioners, to be countersigned by ———, their Secretary, and ———, the Treasurer of the said city, and to be sealed with its common seal, this ——— day of ———, in the year of our Lord, eighteen hundred and ———.

Signed, sealed and delivered in presence of

—————, *Chairman.*
 Countersigned, ———, *Secretary.*
 ———, *City Treasurer.*

CITY OF ROXBURY. City Clerk's Office, ——— 18—.

I hereby certify that the foregoing Deed has been received, entered and recorded in this office, in the book provided for the purpose, being book No. ———, and page No. ———.

—————, *City Clerk.*

SECT. 2. All deeds executed in conformity to the preceding section, shall be signed by the Chairman of the Board of Commissioners of Forest Hills Cemetery, and countersigned by their Secretary and the City Treasurer, and shall have the City Seal affixed thereto.

SECT. 3. Said deeds shall be recorded by the City Clerk, in a book provided for that purpose, and to be kept in his office.

SECT. 4. This Ordinance shall take effect from and after its passage.

[Passed January 22, 1849.]

[No. 30.]

An ORDINANCE in addition to an Ordinance [No. 10] regulating the Fire Department of the City of Roxbury.

[Repealed by Ordinance No. 34.]



[No. 31.]

An ORDINANCE in addition to "An Ordinance to establish a Watch for preserving the safety and good order of the City of Roxbury."

Be it ordained, &c., as follows :

SECT. 1. That the Mayor and Aldermen be and they are hereby authorized and directed to appoint such a number of sober, discreet, and able-bodied men of good moral character, as they may deem expedient, to be Watchmen in the City of Roxbury, from such hour in the evening until such hour in the morning as the Mayor and Aldermen shall direct.

SECT. 2. So much of Ordinance No. 11, relative to the City Watch, passed July 27, 1846, to which this is in addition, as is inconsistent herewith, is hereby repealed.

SECT. 3. This Ordinance shall take effect from and after its passage.

[Passed May 7, 1849.]

[No. 32.]

AN ORDINANCE in addition to an addition to "An Ordinance prescribing Rules and Regulations relative to nuisances, sources of filth and causes of sickness within the City of Roxbury."

Be it ordained, &c., as follows :

SECT. 1. The top of the uppermost of each and every coffin deposited in the ground in any burial place within the City of Roxbury, shall be at least four feet below the usual surface thereof.

SECT. 2. Any person offending against any of the provisions of this Ordinance, shall forfeit for each and every offence, a sum not less than five, nor more than twenty dollars, and shall also be liable to prosecution for the penalty for such offences, established by the twenty-first chapter of the Revised Statutes.

SECT. 3. All Ordinances, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECT. 4. This Ordinance shall take effect and go into operation from and after the first day of January, eighteen hundred and fifty.

[Passed December 31, 1849.]

[No. 33.]

AN ORDINANCE in relation to "Truant Children, and Absentees from School."

[Repealed by Ordinance No. 35.]

[No. 34.]

An ORDINANCE regulating the Fire Department of the City of Roxbury.

Be it ordained, &c., as follows :

SECT. 1. The Fire Department of the City of Roxbury shall consist of a Chief Engineer, four Assistant Engineers, and of as many Enginemen, Hosemen and Hook and Laddermen, to be divided into companies, as the number of Engines, and the number and quantity of other fire apparatus belonging to the city, shall, from time to time, require.

SECT. 2. The Engineers shall be chosen annually in the month of April, by joint ballot of the two branches of the City Council in convention, and shall hold their office for one year from the first of May ensuing, and until others shall be chosen in their places. *Provided*, however, that no Assistant Engineer shall hold over, in case three of the new Board are elected. And in all cases of holding over, preference shall be given to seniority of age.

Each Engineer shall, on his appointment, receive a written or printed certificate or warrant, in the words following, namely :

This certifies that _____ has been appointed _____ Engineer of the Fire Department of the City of Roxbury, and entitled to all the immunities belonging to said office.

Given under my hand this _____ day of _____ A. D. 18—. _____, *Mayor*.

_____, *City Clerk*.

SECT. 3. The Engineers, immediately on their election, shall organize themselves into a Board, by choos-

ing a Secretary from their own number. The Chief Engineer shall be Chairman of the Board, provided in his absence the senior Assistant Engineer present, shall preside. The rank of the Assistant Engineers shall be determined by the Mayor and Aldermen.

All bills and accounts against the Department, shall be examined by the Chief Engineer, and if approved by him, shall be certified to the Committee on Accounts.

SECT. 4. The Engineers shall have the superintendence and control of all the engine and other houses used for the purposes of the Fire Department, and of all the furniture and apparatus thereto belonging, and of the Engines and all other fire apparatus belonging to the city, and over all the officers and members of the several companies attached to the Fire Department, and over all persons present at fires, and they may make such rules and regulations for the better government, discipline and good order of the Department, and for extinguishment of fires, as they may from time to time think expedient, the same not being repugnant to the laws of the Commonwealth, or to any ordinance of the city, and being subject to the approval of the Mayor and Aldermen.

The Assistant Engineers shall report their absence from fires to the Chief Engineer, with the reasons therefor, who shall cause a record to be made of the same, and once in each year, prior to the election of Engineers, shall make a report thereof to the City Council.

SECT. 5. It shall be the duty of said Engineers, whenever a fire shall break out in the city, immediately to repair to the place of such fire, and to carry with them a suitable staff, or badge, of their office ; to take

proper measures that the several Engines, and other apparatus, be arranged in the most advantageous situations, and duly worked for the effectual extinguishment of the fire; to require and compel assistance from all persons, as well members of the Department as others, in extinguishing the fire, removing furniture, goods or other merchandise from any building on fire, or in danger thereof, and to appoint guards to secure the same; and to suppress all tumults and disorders.

It shall also be their duty to cause order to be preserved in going to, working at, or returning from fires, and at all other times, when companies attached to the Department are on duty.

Whenever it shall be adjudged, at any fire, by any three or more of the Engineers, of whom the Chief Engineer, if present, shall be one, to be necessary in order to prevent the further spreading of the fire, to pull down or otherwise demolish any building, the same may be done by their joint order.

SECT. 6. The Chief Engineer shall have the sole command at fires, over all the other Engineers, all members of the Fire Department, and all other persons who may be present at fires; and shall direct all proper measures for the extinguishment of fires, protection of property, preservation of order, and observance of laws, ordinances, and regulations respecting fires. And it shall be the duty of the said Chief Engineer to examine into the condition of the Engines and all other fire apparatus, and of the engine and other houses, and the reservoirs belonging to the city, and used for the purposes of the Fire Department, and of the companies attached to the said Department, as often as circumstances may render it expedient, or

whenever directed so to do by the Mayor and Aldermen, or by the Committee on the Fire Department, and annually to report the same to the City Council, and oftener, if requested. Also, to cause a full description of the same, together with the names, age and residence of the officers and members of the Department to be published annually, in such manner, as the City Council shall direct ; and whenever the Engines or other fire apparatus, engine or other houses used by the Department, require alterations, additions or repairs, the said Chief Engineer, under the direction of the Committee on the Fire Department, shall cause the same to be made. And it shall be, moreover, the duty of the Chief Engineer to receive and transmit to the City Council, all returns of officers, members and fire apparatus, made by the respective companies, as hereinafter prescribed, and all other communications relating to the affairs of the Fire Department ; to keep or to cause to be kept fair and exact rolls of the respective companies, specifying the time of admission and discharge of each member, and also a record of all accidents by fire, which may happen within the city, with the causes thereof, as well as can be ascertained, and the number and description of the building destroyed or injured, together with the names of the owners or occupants, and report the same, once in each year, to the City Council.

The appropriations for the Fire Department of the City of Roxbury, for new engines, apparatus, engine houses, extraordinary repairs and alterations upon engines or houses, and also appropriations for reservoirs, shall be extended by or under direction of the Committee on the Fire Department of the City Council.

SECT. 7. In the absence of the Chief Engineer, the Engineer next in rank who may be present, shall execute the duties of his office with full powers.

SECT. 8. No person under the age of twenty-one years shall be employed as a member of the Fire Department, nor shall any person be so employed who is not a citizen of the United States. And the names of all persons admitted into the several companies, or discharged therefrom, shall within ten days after such admission or discharge, be returned to the Chief Engineer.

SECT. 9. The terms of service for the members of the Fire Department may commence on the first day of May, August, November and February, and shall continue for periods of six months each; and no member shall be entitled to any pay, unless he has served three months in the company in which he enters. And the Clerks of the several companies shall, on or before the first day of August, November, February or May, return to the Chief Engineer a separate certificate of the service of each member of their respective companies.

SECT. 10. Each of the Engine, Hose and Hook and Ladder Companies, shall have a Foreman, an Assistant Foreman and Clerk, and these officers shall be chosen by the written votes of their respective companies, at a meeting specially held for that purpose, in the month of May, annually, of which meeting and purpose the members shall be notified by the Clerk, at least three days previous thereto, and if there be no Clerk, the commanding officer of said company for the time being, if there be one, may issue his order, in writing, to any member of the company, to perform that duty until one shall be elected. And if there be no commanding officer, the acting Chief Engineer shall issue

the order as aforesaid, and shall likewise designate and detail some one of the Board of Engineers to preside at said meeting. The Clerks of the several companies, before entering upon their duties, shall be sworn to the faithful performance thereof. They shall make quarterly returns to the Chief Engineer, of all absences of members of their respective companies from fires, or fire alarms, or from meetings for the choice of officers.

SECT. 11. Whenever it shall appear that any person has a majority of the written votes of the electors, at a meeting notified as mentioned in the preceding section, and at which there shall be a majority of the whole company present, the presiding officer shall forthwith inform him of the fact, and shall make return of every election or failure to elect, to the Chief Engineer; and said return shall be transmitted by said Chief Engineer to the Mayor and Aldermen.

SECT. 12. If the person so receiving the vote of the company, shall be approved by the Mayor and Aldermen for the respective offices to which they shall have been elected, they shall receive a certificate of appointment, in the form as follows:

This certifies, that _____ is appointed _____ of
 _____ Company No. _____ of the Fire Department of
 the City of Roxbury, and is entitled to all the immu-
 nities belonging to said office.

Given under my hand, this _____ day of _____ A.D. 18—.

_____, *Mayor.*

_____, *City Clerk.*

And shall be invested with all the authority, and subject to all the duty required by the laws, the City

Ordinances and rules and regulations of the Fire Department. And in case the persons are not approved by the Mayor and Aldermen, the Mayor shall notify the Chief Engineer, who shall order a new election, held in the manner heretofore expressed. And if the members of the company shall then neglect or refuse to elect some person or persons to fill the vacant offices, whom the Mayor and Aldermen shall approve, the Mayor and Aldermen shall appoint some suitable person or persons to the same: or the said company may be disbanded by the Mayor and Aldermen. And the Mayor and Aldermen may, at any time, discharge* the officers or members of the said companies.

SECT. 13. Whenever any person shall have received his certificate of appointment to any office, as aforesaid, he shall perform all the duties thereof for the year which he was chosen, until discharged therefrom, either by death or resignation, or by order of the Mayor and Aldermen; in which case the Chief Engineer shall cause a meeting to be held, as before provided, to fill the vacancy.

SECT. 14. It shall be the duty of the Foreman to see that the several Engines, or other apparatus entrusted to their care, and the several buildings in which the same may be deposited, and all things in or belonging to the same, are kept neat, clean, and in order for immediate use; it shall also be their duty to preserve order and discipline at all times in their respective companies, and require and enforce a strict compliance with the City Ordinances, the rules and regulations of the Department and the orders of the

* Board of Engineers may suspend in certain cases. Ord. No. 51.

Engineers. They shall also keep, or cause to be kept, by the Clerks of their respective companies, fair and exact rolls, specifying the time of admission and discharge of each member, with their age and residence, and accounts of all the city property entrusted to the care of the several members, in a book provided for that purpose by the city, which rolls or record books shall always be subject to the order of the Board of Engineers, the Mayor and Aldermen or the Committee on the Fire Department. They shall also make or cause to be made, to the Chief Engineer, true and accurate returns of all the members and the apparatus entrusted to their care, whenever called upon so to do.

SECT. 15. It shall be the duty of the officers and members of the several Engine, Hose and Hook and Ladder Companies, whenever a fire shall break out in the city, to repair forthwith to their respective Engines, Hose, and Hook and Ladder carriages, and other apparatus, and to convey them in as orderly a manner as may be, to or near the place where the fire may be, and in conformity with the directions of the Chief, or other Engineers, to exert themselves in the most orderly manner possible, in working and managing the said Engines, Hose, and Hooks and Ladders and other apparatus, and in performing any duty that they may be called on to do by any Engineer; and upon permission of the Chief or other Engineer, shall in an orderly and quiet manner return the said apparatus to their respective places of deposit. *Provided*, in the absence of all the Engineers, such direction and permission may be given by their respective Foremen.

SECT. 16. The Board of Engineers, upon the nomination of the company, from among the members, may

appoint two or more Suction Hose men, and three or more Leading Hose men, for each Engine company, and the men thus appointed shall hold their places for one year, unless sooner removed by the Board of Engineers, and until others are appointed in their places.

SECT. 17. The Engineers shall in like manner appoint a Steward to each company, who shall hold his office for one year, unless sooner removed by the Board of Engineers, and until another shall be appointed in his place. It shall be the duty of the Steward to keep the house, engine, hose, or other apparatus belonging to the company, clean and ready for immediate use.

SECT. 18. The Engineers and members of the several companies regularly appointed, shall wear such caps, badges or insignia as the Mayor and Aldermen may from time to time direct, to be furnished at the expense of the city, and no other person or persons shall be permitted to wear the same, except under such restrictions and regulations as the Mayor and Aldermen may direct.

SECT. 19.* The members of the several companies shall not assemble in the houses entrusted to their care except for the purpose of taking the engine or apparatus, on an alarm of fire, and of returning the same to the house, and taking the necessary care of said apparatus after its return; and except for the business meetings of the companies.

SECT. 20. No company shall draw water from the Reservoirs or Hydrants, except in case of fire, unless by special permission of the Chief Engineer.

* Repealed by Ord. No. 47, and a different regulation made.

SECT. 21. No Engine, Hose or Hook and Ladder carriage, shall be taken to a fire out of the city, without permission of an Engineer; nor shall any of the apparatus of the Fire Department be taken from the city, other than to a fire, without permission from the Mayor and Aldermen.

SECT. 22. All Ordinances in relation to the Fire Department, prior to this, are hereby repealed.

SECT. 23. This Ordinance shall go into effect from and after the first day of May, 1851.

[Passed April 7, 1851.]

[No. 35.]

An ORDINANCE in relation to Truant Children and Absentees from School.

[Repealed by Ordinance No. 38.]

[No. 36.]

An ORDINANCE in addition to "An Ordinance prescribing Rules and Regulations relative to nuisances, sources of filth and causes of sickness within the City of Roxbury."

Be it ordained, &c., as follows :

SECT. 1. The Mayor and Aldermen shall constitute the Board of Health of the City, for all purposes, and shall exercise all the powers vested in, and shall perform all the duties prescribed to the City Council, as a Board of Health; subject only to any limitations and restrictions contained in the ordinances, regulations and orders of the City Council.

SECT. 2. Whenever, upon due examination, it shall appear to the Mayor and Aldermen, that the number of persons occupying any tenement or building in the city, is so great as to be the cause of nuisance and sickness, and the source of filth ; or that any tenement or buildings are not furnished with sufficient drains, and suitable privies and vaults, according to the provisions of Ordinance No. 14, they may thereupon issue notice in writing, to such persons, or any of them, requiring them to remove from and quit such tenement or other building within such time as the Mayor and Aldermen shall deem reasonable. And if the person or persons so notified, or any of them, shall neglect or refuse to remove from and quit such tenement or building within the time mentioned in such notice, the Mayor and Aldermen are hereby authorized and empowered thereupon forcibly to remove them ; and such person or persons shall further be liable to a penalty for such neglect and refusal.

SECT. 3. Every person offending against any of the provisions of this Ordinance, in relation to which a penalty is not prescribed by the laws of the Commonwealth, shall forfeit and pay a sum not less than five dollars or more than twenty dollars for each offence.

SECT. 4. This Ordinance shall take effect and go into operation from and after its passage.

[Passed July 7, 1851.]

[No. 37.]

AN ORDINANCE establishing the Office of City Crier.

Be it ordained, &c., as follows :

SECT. 1. The Mayor and Aldermen may from time to time grant licenses to such and so many persons as they may deem expedient to be "Common Criers" in the city; and such licenses shall continue in force until the first day of May next after the date thereof, unless sooner revoked by the Mayor and Aldermen, and no longer.

SECT. 2. No person shall be a Common Crier within the City of Roxbury, or cry any goods, wares or merchandise, lost or found, stolen goods, strays or public sales, in any of the streets, squares, lanes or market places within the city, unless he shall be licensed as aforesaid.

SECT. 3. Every person so licensed shall keep a true and perfect list of all the matters and things by him cried, and the names of the persons by whom he was employed to cry the same, which list shall be open and subject to the inspection of the Mayor and Aldermen, whenever they shall demand the same; and no Common Crier shall publish or cry any abusive, libellous, profane or obscene matter or thing whatsoever.

SECT. 4. Any person who shall be guilty of a violation of this Ordinance, or any part thereof, shall forfeit and pay for each offence a sum not less than one dollar, nor more than twenty dollars.

[Passed June 28, 1852.]

[No. 38.]

An ORDINANCE in relation to Truant Children and Absentees from School.

Be it ordained, &c., as follows :

SECT. 1. The City of Roxbury hereby adopts the two hundred and ninety-fourth chapter of the laws of this Commonwealth, for the year one thousand eight hundred and fifty, entitled "An Act concerning Truant Children and Absentees from School," and the act in addition thereto, passed the twentieth day of May, in the year one thousand eight hundred any fifty-two, and avails itself of the provisions of said acts.

SECT. 2. Any minor between the ages of six and fifteen years, who has not attended school, in conformity to the laws of this Commonwealth, all habitual truants and absentees from school, all children that are about the streets begging and collecting swill, or trespassing upon lands, gardens or orchards, upon conviction of any offence herein described, shall be punished by fine not exceeding twenty dollars; or instead thereof, by being committed to the almshouse establishment, at the discretion of the Justice of the Peace having jurisdiction of the case, for such time as said Justice of the Peace may determine, not exceeding one year. *Provided*, however, that any minor convicted of either of the offences herein mentioned, may be discharged by such Justice of the Peace according to the provisions of the said acts.

SECT. 3. The several Justices of the Peace for the County of Norfolk, residing within the City of Roxbury, shall have jurisdiction of the offences herein set forth, and the almshouse establishment is hereby as-

signed and provided as the institution of instruction, house of reformation, or suitable situation mentioned in said acts.

SECT. 4. The Mayor and Aldermen shall forthwith after the passage of this Ordinance, and hereafter in the month of January, annually, appoint three or more persons to make the complaints in every case of violation of this Ordinance, to the said Justice of the Peace, and to carry into execution the judgments of said Justices in conformity to the provisions of said acts.

SECT. 5. The Ordinance relating to Truant Children and Absentees from School, passed May 12, 1851, is hereby repealed.

SECT. 6. This Ordinance shall go into effect from and after its passage and approved by the Court of Common Pleas for the County of Norfolk, and no Ordinance which has been heretofore repealed shall be revived by the repeal herein contained.

[Passed July 12, 1852.]

[Approved September term Court of Common Pleas.]

[No. 39.]

An ORDINANCE concerning the removal of House Offal and Night Soil from the City.

[Repealed by Ordinance No. 60.]

[No. 40.]

An ORDINANCE Establishing the Office of Commissioner of Streets, and defining the Duties thereof.

Be it ordained, &c., as follows :

SECT. 1. Forthwith and hereafter, in the month of January annually, there shall be appointed by the

Mayor and Aldermen a Commissioner of Streets, who shall continue in office until removed, or until a successor be appointed. He shall receive such compensation for his services as the Mayor and Aldermen shall establish, and shall be removable at the pleasure of the Mayor and Aldermen; and in case said office shall become vacant by death, resignation, or otherwise, a successor shall forthwith be appointed.

SECT. 2. It shall be the duty of the Commissioner of Streets, under the general care and direction of the Mayor and Aldermen, to superintend the general state of the streets, roads, sidewalks, lanes, bridges, public walks and squares of the city; to attend to the making, widening or alteration of the same, to cause the same to be kept in good, sufficient and suitable repair, and when so ordered, to make all contracts for the supply of labor and the materials therefor, to superintend the building and repairs of any drains or sewers for the city, and shall give notice to the Mayor or to such person as he may direct, in case of nuisance, obstruction or encroachment in or upon any of the streets, roads, sidewalks, bridges, public walks or squares of the city. And the city shall not be responsible for any of his doings that have not been ordered by the City Council, the Mayor and Aldermen, or the Surveyors of Highways, or sanctioned by express vote.

SECT. 3. The said Commissioner, under the control and direction of the Mayor and Aldermen, shall have the care and superintendence of the city stables, horses, carts, vehicles, tools, implements and other property of the city belonging to or attached to this department, and shall see that the same are kept in good order and condition, and shall make all necessary arrangements

for cleaning the streets and disposing of manure and house dirt.

SECT. 4. The said Commissioner shall keep an exact account of the receipts and expenditures in his department, with the names of all persons who have furnished materials, and of all workmen, and the amount due to each individual, and shall lay the same before the Mayor and Aldermen for their examination and allowance, at least once in each month, and at such other times as the said Mayor and Aldermen may direct. And he shall, on or before the last Monday in January, annually, make and render to the City Council, a report containing a general statement of the expenses of his department during the preceding year, and specifying as near as may be the amounts expended upon different streets for sidewalks, number of feet of edge-stones laid, number of yards of paving and cost of same, and such other information as he may consider desirable, together with a schedule in detail of the property under his charge belonging to the city.

SECT. 5. The Ordinance entitled, "An Ordinance establishing the office of Commissioner or Commissioners of Highways, and defining the duties thereof," passed the twenty-second day of June, in the year eighteen hundred and forty-six, is hereby repealed.

SECT. 6. This Ordinance shall take effect and go into operation from and after its passage.

[Passed March 20, 1854.]



[No. 41.]

AN ORDINANCE in relation to the Acceptance of Streets in the City of Roxbury.

[Repealed by Ordinance No. 54.]

[No. 42.]

AN ORDINANCE to repeal "An Ordinance authorizing the Appointment and prescribing the Duties of a City Marshal."*

Be it ordained, &c., as follows :

SECT. 1. The Ordinance authorizing the appointment and prescribing the duties of a City Marshal, is hereby repealed.

SECT. 2. This Ordinance shall take effect from and after its passage.

[Passed May 8, 1854.]



[No. 43.]

AN ORDINANCE Establishing the Office of City Solicitor.

Be it ordained, &c., as follows :

SECT. 1. That annually in the month of February, and whenever a vacancy in the office may occur, there shall be chosen, by a concurrent vote of both branches of the City Council, a Solicitor for the City of Roxbury, who shall be a resident citizen thereof, and who shall have been admitted an attorney and counsellor of the Courts of the Commonwealth, and who shall be removable at the pleasure of the City Council.

SECT. 2. That it shall be the duty of said Solicitor to draft all legal instruments which may be required of him, by any ordinance or order of the Mayor and Aldermen, or of the City Council, or which may be requisite to be made by the City of Roxbury, and any person contracting with the city in its corporate ca-

* Ord. No. 45 provides for appointment of City Marshal.

capacity, and which by law, usage or agreement, the city is to be at the expense of drawing.

SECT. 3. That it shall be the duty of the City Solicitor to commence and prosecute all actions and suits to be commenced, and to prosecute all actions already commenced by the city before any tribunal in this Commonwealth, and also to appear in, defend and advocate the rights and interests of the city, or any of the officers of the city, in any suit or prosecution for any act or omission in the discharge of their official duties, wherein any estate, right, privilege, ordinance or acts of the City Government, or any breach of any ordinance may be brought in question. And said Solicitor shall also appear before the Legislature of the Commonwealth, or any Committee thereof, or any Board of Commissioners or Referees appointed by law, and there represent, defend and advocate the interests of the city whenever the same may be in any way affected, whether to prosecute or defend the same; and he shall, in all matters, transact all professional business incident to the office, which may be required of him by the City Government, or by any Committee thereof; and he shall, when required, furnish the Mayor and Aldermen, the Common Council, or any Committee of either or both branches, or any member thereof, or any officer of the City Government who may require it in the official discharge of his duties, with his legal opinion on any subject relating to the duties of their respective offices. And his opinion shall be given in writing whenever required.

SECT. 4. That in full compensation for all the services of said Solicitor, he shall receive the sum of *five hundred dollars* for the first year, after which he shall

receive such salary as the City Council may from time to time determine upon ; and said salary shall be paid in equal quarterly payments. In all cases, however, when his attendance may be required out of the city, his reasonable travelling expenses shall be allowed him ; and in suits and prosecutions he shall be entitled to receive and retain for his own use, the legal taxable costs which may be recovered of the adverse party, where the city shall recover the same, according to the usage and practice in the Courts.

SECT. 5. The said Solicitor shall enter upon the discharge of the duties of his office immediately after he is chosen, the present year, and afterwards upon the first of March annually.

SECT. 6. This Ordinance shall take effect from and after its passage.

[Passed February 5, 1855.]

[No. 44.]

An ORDINANCE relating to Expenditures for Lamps.

Be it ordained, &c., as follows :

SECT. 1. The appropriations made by the City Council for Lamps, shall be expended under the direction of the Committee on Lamps. And all bills and accounts for lamps, lamp-posts, oil, camphene and gas, when certified by the Chairman of said Committee, shall be audited by the Committee on Accounts, and be paid from the City Treasury.

SECT. 2. Said Committee shall from time to time cause such additional Lamps to be set up as they may determine that the public safety and convenience require, (provided the expense shall not exceed the

appropriation therefor,) and shall make such rules and regulations respecting the lighting, extinguishing and preservation of such Lamps, as they may deem most for the benefit of the city.

SECT. 3. Said Committee shall annually, in the month of October, report to the City Council the condition of the City Lamps; the manner the appropriations under their direction have been expended, and make such suggestions in reference to future appropriations and expenditures for the purpose, as in their judgment the public safety and convenience may require.

SECT. 4. This Ordinance shall take effect from the date of its passage.

[Passed February 12, 1855.]



[No. 45.]

AN ORDINANCE authorizing the Appointment and prescribing the Duties of City Marshal.

Be it ordained, &c., as follows :

SECT. 1. The Mayor and Aldermen shall forthwith and hereafter, in the month of April, annually, appoint a City Marshal, and such number of Assistants as they may deem necessary for day and night Police, with the powers and duties of Constables, who shall remain in office until the next annual election, unless removed as hereinafter provided.

SECT. 2. Said Marshal shall have precedence and command over his Assistants, and the other Constables, whenever engaged in the same service, or when directed thereto by the Mayor and Aldermen, and before

entering upon the duties of his office, shall be sworn to the faithful performance of its duties by the Mayor, and shall also give bonds to the Treasurer of the City of Roxbury in the sum of *five hundred dollars*, with sufficient sureties, to be approved by the Mayor and Aldermen, for the faithful performance of the duties of said office.

SECT. 3. It shall be the duty of the City Marshal, from time to time, to pass through the streets, lanes, alleys and courts of the city, to observe all nuisances, obstructions and impediments therein, to the end that the same be removed or prosecuted, according to law; to notice all offences against the laws and against the ordinances of the city, taking the names of the offenders, to the end that the same may be prosecuted. It shall also be his duty to receive all complaints of the inhabitants, made for any breach of the laws or ordinances of the city. It shall also be his duty to enforce and carry into effect, to the utmost of his power, all and every of the city ordinances and by-laws. It shall also be his duty to attend all fires by day and by night, and report himself to the Chief Engineer or his successors, and exert himself to the utmost of his powers, to keep good order, to remove all suspected persons from the vicinity of the fire, and to protect the property of the citizens from loss or damage. He shall also, whenever requested by the Chief Engineer, visit and direct his Assistants to visit, at all hours of the day or night, each and all of the engine houses for the purpose of aiding in the enforcement of the city ordinances. It shall also be his duty, and that of his Assistants, to act as Truant Officers in the enforcement of the ordinance in regard to truants and absentees

from school. It shall be his duty to execute all orders and commands of the Mayor and of the Board of Aldermen, in relation to any matter or thing in which the city shall be in anywise concerned or interested. He shall be vigilant to detect the breach of any law, by-law or ordinance. It shall also be his duty to prosecute all offenders as soon as may be, and attend, in behalf of the city, the trials of all offences which may be prosecuted; and to use all lawful means for the effectual prosecution and final conviction of offenders, and to lay before the Mayor and Aldermen a correct statement of all prosecutions by him instituted in behalf of the city, or in which the city is any way concerned, within one week after their final determination respectively, and once a month furnish the Mayor with a detailed report, in writing, of such offences against the laws or the city ordinances as he may have detected. It shall also be his duty to collect, receive and pay over to the Treasurer of the city, all fines and penalties incurred for violations of the by-laws and ordinances of the city, and all fees received by himself or his Assistants as witnesses, or for service of criminal processes, or for services in behalf of the city; and further to perform all such other and additional duties, and to comply with all such regulations as may at any time be prescribed to him by the Mayor and Aldermen.

SECT. 4. The Mayor and Aldermen may, at any time, by vote, remove from office the said City Marshal and his Assistants, or any or either of them; and thereupon, or in case of the death or resignation of any or either of them, proceed to appoint a successor or successors for the residue of the year.

SECT. 5. The Assistant Marshals shall act under the

direction of the City Marshal, and the Mayor and Aldermen, in the performance of their duties, and of any and all such duties as are prescribed in this Ordinance for the City Marshal.

* SECT. 6. The City Marshal and Assistants shall receive in full for all their services, respectively, such compensation (per diem) as the City Council may from time to time determine; together with all necessary charges for travel, offices, warming and lighting the same, and for all necessary implements for carrying out the purposes of a Police organization.

SECT. 7. This Ordinance shall take effect and go into operation from and after its passage.

[Passed February 26, 1855.]

[No. 46.]

AN ORDINANCE amendatory of "An Ordinance in relation to the acceptance of Streets in the City of Roxbury."

[Repealed by Ordinance No. 49.]

[No. 47.]

AN ORDINANCE amendatory of "An Ordinance regulating the Fire Department of the City of Roxbury."

Be it ordained, &c., as follows :

SECT. 1. That Section 19 of the Ordinance aforesaid, be and hereby is repealed.

SECT. 2. The members of the several companies shall not assemble in the houses entrusted to their care on the Sabbath, except for the purpose of taking the Engine or apparatus, on an alarm of fire, and of re-

turning the same to the house, and taking the necessary care of said apparatus after its return. And any member violating this regulation herein made, shall be liable to be discharged from the Department by the Mayor and Aldermen. This regulation shall not apply to the Officers and Stewards of the several companies.

SECT. 3. No person not connected with the Department shall enter the different engine houses in the city on the Sabbath, for any other purpose than to render assistance in taking or returning the Engine or Engines, or apparatus on an alarm of fire. And any person so offending shall forfeit the sum of five dollars, to be recovered on complaint made to the presiding Justice of the Police Court of said city.

[Passed June 25, 1855.]



[No. 48.]

An ORDINANCE establishing the Office of City Physician.

Be it ordained, &c., as follows :

SECT. 1. There shall be chosen forthwith, and hereafter annually in the month of May, and whenever a vacancy occurs, by concurrent vote of the two branches of the City Council, a City Physician, who shall hold his office until he is removed, or a successor chosen in his place. He shall be removable at the pleasure of the City Council, and shall receive such compensation as the City Council shall from time to time determine.

SECT. 2. The said physician shall attend, at his office, or at such places as may be designated, at such times during the day as the Board of Aldermen may direct ; and he shall vaccinate any inhabitant of the

city, who shall apply to him for that purpose, without charge ; he shall also give certificates of vaccination to such children as have been vaccinated, to enable them to obtain admission to the public schools: *provided*, that no person shall be entitled to the benefits of this section, who shall wilfully refuse or neglect to return to said physician when requested so to do, for the purpose of proving the effect of the vaccination, or of renewing the supply of virus for the use of said physician.

SECT. 3. The said City Physician shall always have on hand, as far as is practicable, a sufficient quantity of virus, and he shall supply the Consulting Physicians of the city, and the physicians of the Roxbury Dispensary, with the same without charge.

SECT. 4. He shall keep a record of all cases of Small Pox, or other malignant diseases attended by him under this Ordinance, and make a report thereof to the City Council, as often as once in three months, or whenever the Board of Aldermen may direct.

SECT. 5. The said City Physician shall examine all causes of disease within the city, and inquire into all sources of danger to the public health ; and in case of an alarm of any contagious, infectious, or other dangerous disease, occurring in the city or neighborhood, to give to the Mayor, or either Board of the City Council, such professional advice and information as they may request, with a view to the prevention of said diseases, and the preservation of the health of the inhabitants.

SECT. 6. The said City Physician shall likewise perform all professional services required at the City Almshouse, when called upon by the Superintendent

of the same, the Overseers of the Poor, or Mayor and Aldermen ; and shall likewise perform such duties as are required in " An Act to secure the general vaccination " as the Mayor and Aldermen may direct.

SECT. 7. The said City Physician shall attend to all cases of disease that may occur among prisoners in the " Lock-up," and perform such other professional services as may be required at the aforesaid place when called upon by any of the Police.

SECT. 8. This Ordinance shall go into effect on and after its passage.

[Passed July 16, 1855.]

[No. 49.]

An ORDINANCE to Repeal Ordinance No. 46, entitled " An Ordinance amendatory of an Ordinance in relation to the Acceptance of Streets in the City of Roxbury."

Be it ordained, &c., as follows :

That Ordinance No. 46 be and the same is hereby repealed.

[Passed November 9, 1857.]

[No. 50.]

An ORDINANCE to appropriate annually a certain amount of the Moneys raised by Taxation towards a reduction of the City Debt.

[Repealed by Ordinance No. 68.]

[No. 51.]

AN ORDINANCE in addition to "An Ordinance regulating the Fire Department of the City of Roxbury."

Be it ordained, &c., as follows :

SECT. 1. Whenever the Board of Engineers shall decide to report the name of any member of the Fire Department to the Mayor and Aldermen, with the view of procuring the discharge of such member from the Department for neglect of duty or disorderly conduct, said Board of Engineers may forthwith suspend such member from duty until the matter of his discharge shall have been finally acted upon by the Mayor and Aldermen, and if such member be discharged, he shall receive no pay from and after such suspension. *Provided*, that the name of the member shall be reported to the Mayor and Aldermen at or before the second meeting next after the Board of Engineers shall have decided to make such report.

SECT. 2. This Ordinance shall take effect from and after its passage.

[Passed June 14, 1858.]



[No. 52.]

AN ORDINANCE to establish Regulations for the Removal of Buildings in the City of Roxbury."

Be it ordained, &c., as follows :

SECT. 1. All persons are prohibited from transporting any building or buildings through or over any street or streets in the city, unless permission be first obtained from the Board of Mayor and Aldermen, at

a regular meeting of said Board ; and the party or parties asking such permission, shall give to the said city a bond for such a sum as shall be deemed judicious by the said Board, with sufficient sureties, holding said party or parties to pay such damage as may accrue from such removal to the highways, sidewalks or trees in or near the streets, or to any other property whatsoever belonging to the city or to other individuals.

SECT. 2. This Ordinance shall have effect from and after its passage.

[Passed November 8, 1858.]

[No. 53.]

AN ORDINANCE in relation to the Removal of Snow and Ice from Sidewalks.

[Repealed by Ordinance No. 64.]

[No. 54.]

AN ORDINANCE in relation to the Acceptance of Streets in the City of Roxbury.

Be it ordained, &c., as follows :

SECT. 1. No street already laid out and not built upon, or which shall hereafter be laid out, shall be accepted by the City Council, unless the same shall be forty feet in width.

SECT. 2. No street shall hereafter be accepted by the City Council, until the grade of said street shall have been first determined by the Board of Aldermen, and surveyed by a competent Surveyor, duly appointed by the said Board ; and until a plan of said street,

drawn by the said Surveyor at the expense of the abutters on said street, shall have been deposited with the City Treasurer.

SECT. 3. No street shall be accepted by the City Council, until the grade of such street shall have been first made, at the expense of the abutters, to correspond with the plan of the Surveyor.

SECT. 4. This Ordinance shall take effect from and after its passage.

SECT. 5. Ordinance No. 41 is hereby repealed.

[Passed March 14, 1859.]



[No. 55.]

An ORDINANCE amendatory of "An Ordinance authorizing the appointment and prescribing the duties of City Marshal."

Be it ordained, &c., as follows :

SECT. 1. The first section of an Ordinance of said City, entitled "An Ordinance authorizing the appointment and prescribing the duties of City Marshal," is hereby so far amended, that all appointments therein and thereby required to be made in the month of April, annually, shall hereafter be made in the month of January, annually.

SECT. 2. This Ordinance shall take effect from and after its passage.

[Passed March 14, 1859.]

[No. 56.]

AN ORDINANCE to prevent unauthorized persons from entering the Engine Houses.

Be it ordained, &c., as follows :

SECT. 1. No person not a member of the Fire Department of Roxbury, or of the City Government, or of the Police or Watch Departments of said Roxbury, shall enter, or be found in any Engine House belonging to the City of Roxbury, or other building in said city used for keeping any fire apparatus belonging to said Roxbury, without a permit signed by the Chief Engineer, or in case of his absence or sickness, by the Assistant Engineer next highest in rank of said City of Roxbury. Any person offending against the provisions of this Ordinance, shall forfeit and pay a sum not less than one dollar, nor more than twenty dollars, and if the offence shall be committed between the hour of midnight next preceding the Lord's day, and the hour of midnight next succeeding the said day, then the person so offending shall forfeit and pay a sum not less than five dollars.

SECT. 2. This Ordinance shall not apply to any person or persons who may be duly authorized to make any repairs in or upon any Engine House, or fire apparatus belonging to the City of Roxbury.

SECT. 3. This Ordinance shall take effect and go into operation from and after its passage.

[Passed March 14, 1859.]

[No. 57.]

An ORDINANCE in addition to "An Ordinance to prevent unlawful and injurious practices in the Streets and other public places in the City."

Be it ordained, &c., as follows :

SECT. 1. Three or more persons shall not stand in a group, or near to each other, on any sidewalk, in such a manner as to obstruct a free passage for foot passengers, for a longer time than ten minutes, nor more than two minutes after a request to move on, made by the Mayor, or any Police officer.

SECT. 2. Any person who shall offend against the provisions of this Ordinance, shall be liable to the forfeitures and may be prosecuted and tried in the manner prescribed in the Ordinance to which this is an addition.

SECT. 3. This Ordinance shall take effect and go into operation from and after its passage.

[Passed April 11, 1859.]



[No. 58.]

An ORDINANCE relating to the Election and Duties of Harbor Master.

Be it ordained, &c., as follows :

SECT. 1. Any person who may be elected Harbor Master under the provisions of an Act of the Commonwealth of Massachusetts, passed in the year eighteen hundred and fifty-nine, entitled, an "Act relating to a Channel called the Roxbury Canal," shall, in ad-

dition to the duties required by said act, make return to the City Council annually, in the month of January, of the number of vessels which have arrived and discharged cargoes in the district over which his authority extends, during the year ending on the thirty-first day of December next preceding such return, with the nature, quantity, and value of the merchandise so discharged.

SECT. 2. The said Harbor Master shall enter upon the discharge of the duties of his said office, immediately after he is chosen the present year, and afterwards upon the first day of May annually.

SECT. 3. The City Council may elect said Harbor Master for the present year, at any time during the month of April or May. All elections after the present year, (except elections for filling vacancies) shall be made in the month of April.

SECT. 4. The City Council may at any time remove from office such Harbor Master, and may at any time fill any vacancy in such office, occasioned by such removal or otherwise.

SECT. 5. The said Harbor Master shall receive such compensation as the City Council shall from time to time determine.

SECT. 6. This Ordinance shall take effect from and after its passage.

[Passed May 9, 1859.]

[No. 59.]

An ORDINANCE in addition to "An Ordinance prescribing Rules and Regulations relative to nuisances, sources of filth, and causes of sickness within the City of Roxbury."

Be it ordained, &c., as follows :

SECT. 1. No person or persons shall keep any swine or goat within the limits of the City of Roxbury, without a permit signed by the Mayor of said city.

SECT. 2. Any person who shall offend against the provisions of this Ordinance, shall forfeit and pay for each offence a sum not less than one dollar, nor more than twenty dollars.

SECT. 3. Section 12 of the Ordinance to which this Ordinance is in addition, is hereby repealed.

SECT. 4. This Ordinance shall take effect and go into operation from and after its passage.

[Passed May 9, 1859.]

[No. 60.]

An ORDINANCE concerning the Removal of House Offal and Night Soil from the City.

Be it ordained, &c., as follows :

SECT. 1. All house offal, whether consisting of animal or vegetable substances, shall be deposited in convenient vessels, and kept in some convenient place, to be taken away by or under the direction of the person appointed by the Mayor and Aldermen for that purpose ; which shall be done not less than twice in each week.

SECT. 2. No vault or privy shall be emptied except under the direction of the person appointed by the Mayor and Aldermen, and conformable to such regulations as the Mayor and Aldermen shall make on the subject, and always at the expense of the owner, agent, occupant, or other person having charge of the tenement in which such vault is situated.

SECT. 3. No person, except such as shall have been appointed by the Mayor and Aldermen for that purpose, or his agents, shall collect, remove or carry away from any dwelling-house or other place, through any of the streets of this city, any house offal or night soil.

SECT. 4. The Mayor and Aldermen shall annually, in the month of April, appoint a suitable person, whose duty (if he shall accept such appointment) shall be to take charge of the removal of night soil, and the person so appointed, and accepting as aforesaid, shall at his own expense furnish and provide suitable wagons or vehicles for the removal of night soil, each of which shall be of a capacity sufficient to contain not less than seventy cubic feet, and he shall also furnish and provide, at his own expense, all other necessary and suitable utensils and means for the proper performance of said business, and of all his duties under this Ordinance. Such person so appointed and accepting as aforesaid, shall be entitled to collect and receive of the owner, agent, or occupant, or other person having charge of any tenement in which any privy is situated, and who shall apply for the removal of night soil from the same, the sum of three dollars, and no more, for each and every load (being 70 cubic feet) of night soil removed for such applicant, in such vehicle as aforesaid, during the months of June, July and August, and

the sum of two dollars, and no more, for each and every such load removed as aforesaid for such applicant, during the remainder of the year. And no vault of any privy shall be opened for the purpose of cleaning the same, in any day between the hours of five of the clock in the forenoon and the hour of ten of the clock in the afternoon in the same day. The person so appointed and accepting as aforesaid shall conform to all such orders and regulations as the Mayor and Aldermen shall make in relation to the removal of night soil, and shall be held responsible for any unnecessary damage he may cause to property while in the performance of such business. The Mayor and Aldermen may, at any time, remove any person so appointed as aforesaid, and may fill any vacancy occasioned by such removal or otherwise.

SECT. 5. A book shall be kept in the office of the City Marshal, in which shall be entered all applications for opening and cleaning vaults, and the same shall receive attention in the order in which they are made.

SECT. 6. This Ordinance shall not apply to any persons who may use their house offal or night soil on their own premises.

SECT. 7. Any persons offending against any of the provisions of this Ordinance, shall be punished by a fine not exceeding twenty dollars.

SECT. 8. An Ordinance entitled "An Ordinance concerning the removal of House Offal and Night Soil from the City," passed June 28, 1853, is hereby repealed.

SECT. 9. This Ordinance shall take effect from and after its passage.

[Passed May 9, 1859.]

[No. 61.]

An ORDINANCE relating to Truant Children and Absentees from School.

[Repealed by Ordinance No. 62.]

[No. 62.]

An ORDINANCE in relation to Truant Children and Absentees from School.

Be it ordained, &c., as follows :

SECT. 1. The City of Roxbury hereby adopts the two hundred and ninety-fourth chapter of the laws of this Commonwealth for the year one thousand eight hundred and fifty, entitled "An Act concerning Truant Children and Absentees from School," and the Act in addition thereunto, passed the twentieth day of May, in the year one thousand eight hundred and fifty-two, entitled "An Act in addition to an Act concerning Truant Children and Absentees from School," and avails itself of the provisions of said acts.

SECT. 2. Any minor, in said city, between the ages of six and fifteen years, who shall be guilty of being an habitual Truant, and of not attending school, or of being without any regular and lawful occupation, or of growing up in ignorance, shall, upon conviction thereof, be punished by a fine not exceeding twenty dollars : or instead thereof, by being committed to the Alms-house of said City of Roxbury, and situated therein, at the discretion of the Justice of the Police Court of said city, having jurisdiction of the case, for such time as said Justice may determine, not exceeding one

year. *Provided, however,* that any minor convicted of either of these offences herein mentioned, may be discharged by such Justice according to the provisions of the said acts.

SECT. 3. The Standing Justice of the Police Court of said city, shall have jurisdiction of all the offences herein set forth. And said Almshouse as aforesaid, is hereby assigned and provided as the institution of instruction, house of reformation, or suitable situation, mentioned in said acts.

SECT. 4. The Mayor and Aldermen shall forthwith after the passage of this Ordinance, and hereafter in the month of January annually, appoint three or more persons to make the complaints in every case of violation of this Ordinance, to the said Justice having jurisdiction of all the offences herein set forth, and to carry into execution the judgments of said Justice in conformity with the provisions of said acts.

SECT. 5. The Ordinance in relation to Truant Children and Absentees from School, passed May 16, 1859, is hereby repealed.

SECT. 6. This Ordinance shall go into effect from and after its passage, and approval by the Court of Common Pleas for the County of Norfolk: and no Ordinance which has heretofore been repealed, shall be revived by the repeal herein contained.

[Passed June 20, 1859.]

[Approved by the Court of Common Pleas.]

[No. 63.]

AN ORDINANCE concerning Dogs.

Be it ordained, &c., as follows :

SECT. 1. On complaint made to the City Marshal of any dog within the City of Roxbury which shall, by barking, biting, howling, or in any other way or manner, disturb the quiet of any person or persons whomsoever in said city, the City Marshal shall, on such complaint (if he shall be satisfied that good cause exists therefor), issue notice thereof to the person keeping or permitting such dog to be kept, or to the owner thereof; and in case such person or owner, for the space of three days after such notice, neglect to cause such dog to be removed, and kept beyond the limits of said city, or to be destroyed, he or she shall forfeit and pay a sum not exceeding ten dollars. *Provided*, it shall be proved to the satisfaction of the court before which such complaint shall be heard and tried, that such dog had, in manner aforesaid, disturbed the quiet of any person or persons in said city.

SECT. 2. If any person, after being convicted under the provisions of the foregoing section, shall still neglect to destroy, or to remove beyond the limits of said city, his or her dog, on being ordered by the City Marshal so to do, it shall be the duty of the City Marshal to cause such dog to be destroyed.

SECT. 3. Nothing contained in this Ordinance shall relate to any dog not owned or kept in the city of Roxbury.

SECT. 4. An Ordinance of said city entitled "An Ordinance restraining the going at large of Dogs within

the City of Roxbury," passed Aug. 6th, A. D. 1846, is hereby repealed.

SECT. 5. This Ordinance shall take effect and go into operation from and after its passage.

[Passed December 30, 1859.]



[No. 64.]

AN ORDINANCE in relation to the Removal of Snow and Ice from Sidewalks.

Be it ordained, &c., as follows :

SECT. 1. The owner or tenant of any estate abutting upon any sidewalk in any street, lane, alley, court, square, or public place in the city of Roxbury, who shall not, within twenty-four hours after the ceasing to fall of any snow, remove or cause the same to be removed from any sidewalk as aforesaid, shall forfeit and pay a sum not less than one dollar, nor more than three dollars ; and for each and every twenty-four hours thereafter that the snow, as aforesaid, shall remain on such sidewalk, such owner or tenant shall forfeit and pay a sum not less than one dollar, nor more than five dollars.

SECT. 2. The provisions of the preceding section shall also apply to snow falling from any building on any sidewalk as aforesaid.

SECT. 3. Whenever any sidewalk, as aforesaid, shall wholly or in part be encumbered with ice, it shall be the duty of the owner or tenant, as mentioned in section first of this Ordinance, to cause such sidewalk to be made safe and convenient, by removing the ice therefrom, or by covering the same with sand or some other suitable substance ; and in case such owner or

tenant shall neglect so to do for the space of twenty-four hours after such sidewalk shall be encumbered as aforesaid, he shall forfeit and pay a sum not less than one dollar, nor more than three dollars, and the sum of two dollars for every day that the same shall be so encumbered.

SECT. 4. An Ordinance passed December 27th, 1858, entitled "An Ordinance in relation to the Removal of Snow and Ice from Sidewalks," is hereby repealed.

SECT. 5. This Ordinance shall take effect from and after its passage.

[Passed January 30, 1860.]



[No. 65.]

An "ORDINANCE in addition to an Ordinance establishing the office of Commissioner of Streets, and defining the duties thereof."

Be it ordained, &c., as follows :

SECT. 1. The Commissioner of Streets, shall, on the last Monday of June, September, December and March, in each year, make and render to the City Council, a report containing a statement of the expenses of his department during the three months next preceding such report, specifying therein, as near as may be, the amounts expended on different streets, also sidewalks, the number of feet of edge-stones laid, the number of yards of paving, and the cost of the same, and such other information as he may consider desirable. The December report shall have subjoined thereto, a schedule in detail of the property under his charge belonging to the city.

SECT. 2. So much of the Ordinance to which this Ordinance is in addition, as is inconsistent herewith, is hereby repealed.

SECT. 3. This Ordinance shall take effect from and after its passage.

[Passed April 9, 1860.]



[No. 66.]

AN ORDINANCE concerning Main Drains and Common Sewers.

Be it ordained, &c., as follows :

SECT. 1. The Mayor and Aldermen shall lay, make, maintain and repair, all main drains and common sewers which shall be ordered by the City Council.

SECT. 2. All common sewers shall be laid, as nearly as practicable, in the centre of the streets through which they pass. They shall be built of such materials and dimensions as the Mayor and Aldermen may direct, and when the same is advisable, they shall be of sufficient size to be entered and cleaned without removing the pavement or earth above.

SECT. 3. During the month of July in the present year, and at the commencement of each municipal year hereafter, there shall be chosen by ballot a Joint Standing Committee on Common Sewers, to consist of two Aldermen and five members of the Common Council, to which Committee all petitions for sewers shall be referred, the Mayor for the time being shall be ex-officio a member of said Committee.

SECT. 4. All particular drains which shall hereafter enter into any common sewer, shall be built of such

materials, dimensions and descriptions, and with such descent and in such manner as the Mayor and Aldermen shall direct, and they shall be at all times subject to be enlarged or otherwise altered by the Mayor and Aldermen, as in their judgment the public health or convenience may require.

SECT. 5. The Mayor and Aldermen shall have power to cause every owner of land adjoining any street through which a common sewer shall be laid, or his agent or tenant, to make a sufficient drain from his house or lot into the said sewer, whenever in their opinion the same shall be necessary, and shall thereupon give such owner, agent, or tenant, notice in writing, specifying the time within which such drain shall be completed, and in case the said owner, agent, or tenant, shall neglect to complete the same within the time specified, the Mayor and Aldermen shall cause the same to be done, and shall recover the whole amount of the expense thereof, together with ten per cent. damages, by action to be brought in the name of the City of Roxbury, before any court proper to try the same. *Provided, however,* that in no case shall the ten per cent., claimed by way of damage, exceed the sum of twenty dollars.

SECT. 6. It shall be lawful for all persons having the care of buildings, at their own expense, to carry the rain water from the roofs of said buildings into any common sewer, free of any charge from the City, provided the same be done by tight water-spouts, and brick or stone drains or metal tubes under ground, and under the direction of the Mayor and Aldermen.

SECT. 7. Every person entering his or her particular drain into any common sewer without a permit in

writing from the Mayor and Aldermen or Superintendent of Common Sewers, hereinafter mentioned, shall forfeit and pay the sum of twenty dollars, and shall also be liable to pay all such damage, by way of indemnification, as the Mayor and Aldermen shall deem just and reasonable. And all such persons to whom such permits shall be granted, shall pay therefor such sum of money, not less than ten dollars, as the Mayor and Aldermen may determine.

SECT. 8. There shall be chosen in the month of July of the present year, and hereafter at the commencement of each municipal year, by the concurrent vote of the City Council, (to be first acted upon by the Mayor and Aldermen) an able and discreet person to be styled Superintendent of Common Sewers, who shall hold his office at the pleasure of the City Council, and shall receive such compensation as said Council shall determine, and any vacancy in said office may at any time be filled in the manner before mentioned.

SECT. 9. The said Superintendent, whenever any common sewer is ordered to be built or repaired, shall ascertain its depth, breadth, mode of construction and general direction and the plan thereof, and insert the same, with all those particulars, in a book to be kept for that purpose, and forthwith ascertain and insert on said plan all entries made, or which are desired to be made, into such sewer.

SECT. 10. The said Superintendent shall keep an accurate account of the expense of constructing and repairing each common sewer, and shall report the same to the Mayor and Aldermen, together with a list of estates adjoining the street where said sewer is situ-

ated and deriving benefit therefrom, and a description of such estates and the names of the owners thereof.

SECT. 11. It shall be the duty of the Mayor and Aldermen, in making assessments for defraying the expense of constructing or repairing main drains or common sewers, to deduct from the expense such part as they may deem expedient to be charged to, and paid by the city, and to apportion and assess the remainder thereof upon the persons and estates receiving benefit from such main drains or common sewers, either by the entry of their particular drains therein, or by any more remote means, agreeably to existing laws.

SECT. 12. The said Superintendent shall enter, in books to be kept for that purpose, all such assessments made by the Mayor and Aldermen, and shall forthwith make out bills for the same, and deliver them to the City Treasurer for collection, and the said Treasurer shall forthwith demand payment in writing of said bills, in the manner prescribed by law, and in case any bills or dues under this Ordinance shall remain unpaid at the expiration of three months after demand for payment as aforesaid, the said Treasurer shall cause the same to be collected by a resort to the proper legal process.

SECT. 13. This Ordinance shall take effect from and after its passage.

[Passed July 23, 1860.]

[No. 67.]

AN ORDINANCE regulating the Steam Fire Engine and Horse Hose Company.

Be it ordained, &c., as follows :

SECT. 1. The Steam Fire Engine Company shall consist of an Engineer, Fireman, and Driver, in connection with a hose carriage for use of same, to which a driver shall be attached, said four being permanently employed, and shall receive their pay monthly, and who shall at all times be in or about the house, and ten hosemen, whose term of service shall continue for periods of six months each, all of whom shall be approved by the Board of Aldermen.

The number of hosemen may be increased from time to time as the Board of Aldermen may determine. One of the hosemen, to be so designated by the Board of Engineers, shall be known as Foreman.

SECT. 2. The Engineer shall have the sole charge of the engine house, and, under the direction of the Board of Engineers, all the property therein belonging to the city. He shall be held personally responsible for the care and good order of the engine, and see that it is at all times in condition for immediate use. He shall be accountable for the proper performance of all duties required of the firemen and drivers of the respective companies, and, in case of any neglect on their part, shall report the same to the Chief Engineer. The fireman shall be under the immediate direction of the Engineer, and shall perform all duties that may be required of him on the engine and in the house, including the hose, and such other duties as are required of the stewards of hand engines and hose companies, as

now provided in general fire Ordinance No. 34, section 17th, of this city.

The drivers of engine and hose company, when at the engine house, shall be under the immediate direction of the Engineer, and shall take care of, and properly groom the horses belonging to the engine and hose company, shall keep the house and stable at all times neat and tidy, shall assist the fireman in the performance of his duty, and perform such other duties appertaining to the Fire Department as may be required of them by the Engineer, also keeping the several reservoirs of the city free from all obstructions under the direction of the Chief Engineer or Assistants.

SECT. 3. The foreman of the hose company shall, at fires, direct the placing of the engine at a suitable place to obtain a supply of water, have charge of the suction and leading hose, perform the duties required of a Clerk to a hose company, receiving such pay, for both offices, as designated by Board of Aldermen. The hosemen, under his direction, shall perform such duties as are required of suction and leading hosemen of hand engines and hose companies, receiving such pay as is now paid to such hosemen of leading hose.

SECT. 4. The Engineer, fireman, drivers and foreman, and the several members regularly appointed, of engine and hose company, shall, when on duty, wear such badges or insignia as the Board of Aldermen shall direct, to be furnished at the expense of the city, and no other persons shall be permitted to wear the same except under such restrictions and regulations as the Board of Aldermen may direct.

SECT. 5. All other rules and regulations for this particular branch of the department, shall be enforced

the same as now regulating Ordinance No. 34, for the Fire Department of this city.

SECT. 6. This Ordinance shall take effect and go into operation from and after its passage.

[Passed December 11, 1860.]

[No. 68.]

AN ORDINANCE to repeal Ordinance No. 50, entitled
“An Ordinance to appropriate annually a certain amount of the moneys raised by Taxation towards a reduction of the City Debt.”

Be it ordained, &c., as follows :

That Ordinance No. 50, passed June 14, A. D., 1858, be and the same is hereby repealed.

[Passed April 26, 1861.]

[No. 69.]

AN ORDINANCE relative to Hackney Carriages.

Be it ordained, &c., as follows :

SECT. 1. Every stage coach, cab, chariot, coachee, barouche, landau, or other vehicle whether on wheels or runners, drawn by one or more horses or other animal power, which shall be used in the City of Roxbury for the conveyance of persons for hire from place to place within said city, shall be deemed a hackney carriage within the meaning of this Ordinance.

SECT. 2. No person shall set up, use, or drive in the City of Roxbury, any hackney carriage for the conveyance of persons for hire from place to place within said city, without a license for such carriage, from the

Board of Aldermen, under a penalty of not less than five nor more than twenty dollars every time such carriage is used.

SECT. 3. The Board of Aldermen will from time to time grant licenses to such persons being owners or lessees of a hackney carriage, and upon such terms as they may deem expedient, to set up, use or drive hackney carriages for the conveyance of persons for hire from place to place within the city, and they may revoke such licenses at their discretion; and a record of all licenses so granted shall be kept by the City Marshal.

SECT. 4. For every license so granted there shall be paid to the City Marshal for the use of the city, the sum of one dollar; and he shall pay over the same to the City Treasurer.

SECT. 5. All licenses granted as aforesaid, shall expire on the first day of July next, after the date thereof, and no license shall be sold, assigned or transferred without the consent of the Board of Aldermen, endorsed thereon by the City Marshal.

SECT. 6. The person in whose name a license is taken out for a hackney carriage, shall, for all the purposes of this Ordinance, be considered as the owner of the same, and liable to all forfeitures and penalties herein contained; unless upon the sale of the said carriage, notice be given to the City Marshal, and the license delivered to him.

SECT. 7. Any person who may be licensed as aforesaid, either as owner or driver of any hackney carriage, who shall continue to use any such carriage, and shall neglect or refuse to take out and pay for his license within thirty days after notice that the same has been

granted, shall be liable to a fine of not less than one dollar and not more than twenty dollars for each and every day thereafter that he or they shall so refuse or neglect to take out said license.

SECT. 8. Hackney carriages shall be marked and numbered in the manner following, viz. : every hack, or landau, shall be marked on the outside and upon each side on the sill or rocker immediately below the door, with the number of the license with white, gilded, or plated figures in the Arabic characters, of not less than one and a half inches in size on a dark ground, or with a dark figure of the same kind and size upon a light ground, and no other figure or device within four inches of the same. Stage coaches shall be numbered in like manner on the top rail of the doors. Omnibuses shall be numbered in like manner on the lower panel of the door. Cabs shall be numbered in like manner on the centre of the top panel of the door, immediately below the glass. Every hackney carriage when driven or used in the night time, shall have fixed upon some conspicuous part of the outside thereof, two lighted lamps with plain glass fronts and sides, and having the number of the license of such hackney carriage in figures of at least one and a half inches in size, of the like character, painted with black paint upon the sides and front of each of said lamps in such a manner that the same may be distinctly seen and known when the same may be standing or driving. The name of the owner and driver and the number of the license, together with the rate of fare, shall be printed on a card and placed in all hackney carriages in the most conspicuous place for the information of passengers. And if any owner or driver of any hack-

ney carriage shall use, or drive any such carriage, or permit the same to be used or driven without complying with the foregoing requisitions, or use or drive, or permit to be used or driven any such carriage in the night time without its lamps being lighted and numbered as aforesaid, said owner and driver shall be liable to a fine of not less than two nor more than twenty dollars for each offence.

SECT. 9. No owner or driver of any hackney carriage shall use or suffer such carriage to be used with any other number upon the same than that assigned by the Board of Aldermen; nor with such number placed on any other part of such carriage than that designated in the preceding section, under a penalty of not less than five nor more than twenty dollars every time such carriage is used.

SECT. 10. No owner, driver, or other person having charge of any licensed hackney carriage shall leave such carriage and horses when harnessed in any street, square, lane, alley, or public place, unless in the care of some suitable person, under a penalty of not less than one nor more than twenty dollars for every such offence.

SECT. 11. No owner, driver, or other person having charge of any hackney carriage shall stand with such carriage in any street, square, lane, alley, or public place within the city to be employed, other than the stand assigned by the Board of Aldermen, to such carriage, under a penalty of not less than two nor more than twenty dollars for each offence.

SECT. 12. No owner, driver, or other person having charge of any hackney carriage shall stop his carriage abreast of any other carriage in any street, square, alley,

lane, or public place, so as to obstruct the same or the sidewalk, flagstone or crossing thereof, under a penalty of not less than two nor more than twenty dollars for each offence.

SECT. 13. Every driver, owner, or other person having charge of any hackney carriage which has a license and a stand as aforesaid, shall, when in waiting at a railroad station, or driving from a railroad station, wear a badge on his hat or cap, with the number of his carriage thereon, in brass, or plated figures of not less than one inch in size, and so placed that the same may be distinctly seen and read, under a penalty of not less than two nor more than twenty dollars for each offence.

SECT. 14. No hackney carriage used for the conveyance of passengers shall be driven by a minor, unless he be specially licensed by the Board of Aldermen, under a penalty of not less than two nor more than twenty dollars for each offence.

SECT. 15. The prices or rates of fare to be taken by or paid to the owner, driver, or other person having charge of any hackney carriage, except omnibuses and hacks, shall be as follows, that is to say, for carrying one or more adult passengers from one place to another within the city proper, thirty cents, except between the hours of eleven o'clock, P. M., and five o'clock, A. M., when the rate of fare shall be fifty cents each. The prices or rates of fare to be taken by or paid to the owner, or driver, or other person having charge of any hack, shall be as follows: for carrying one or more adult passengers from one place to another within the city proper, thirty-five cents, except between the hours of eleven, P. M., and five o'clock, A. M., when the rate of fare shall be fifty cents each; for children between

four and twelve years of age, one half of the above sums, and for children under four years of age, when accompanied by an adult, no charge is to be made. Every owner, driver, or other person having charge of any hackney carriage, shall carry with each passenger in addition to one trunk, a valise, a saddle-bag, carpet-bag, portmanteau, box, bundle, basket, or other article used in travelling, if he be requested so to do, without charge or compensation therefor; but for every additional trunk or other such article as the above named more than one, he shall be entitled to demand and receive the sum of five cents. No owner, driver, or other person having charge of a hackney carriage or hack shall demand or receive from any passenger any higher or greater price or rate of fare than that established by this section, under a penalty of not less than ten nor more than twenty dollars for each offence, and he shall forfeit his license.

SECT. 16. Any Ordinance and parts of any Ordinance inconsistent herewith are hereby repealed; and this Ordinance shall take effect from and after its passage and publication according to law in such cases made and provided.

[Passed June 23, 1862.]



[No. 70.]

AN ORDINANCE in relation to Truant Children and Absentees from School.

Be it ordained, &c., as follows:

SECT. 1. Any minor in said city who shall be guilty of being an habitual truant, or any child who shall be

guilty of wandering about in the streets or public places of the City of Roxbury, having no lawful occupation or business, of not attending school and of growing up in ignorance, between the ages of seven and sixteen years, shall, upon conviction thereof, be punished by a fine not exceeding twenty dollars, or instead thereof, by being committed to the Almshouse of said City of Roxbury and situated therein, at the discretion of the Judge of the Police Court of said city having jurisdiction of the case, for such time as said Judge may determine, not exceeding two years: *Provided, however,* that any minor, or child convicted of either of the offences herein mentioned, may be discharged by such Judge, according to the provisions of the General Statutes of this Commonwealth and any acts in addition thereto.

SECT. 2. The Judge of the Police Court of said city shall have jurisdiction of all the offences herein set forth. And said Almshouse as aforesaid is hereby assigned and provided as the institution of instruction, house of reformation, or suitable situation, provided for the purpose of receiving such minors, or children convicted and committed as aforesaid.

SECT. 3. The Mayor and Aldermen shall forthwith after the passage of this Ordinance and hereafter in the month of January, annually, appoint three or more persons to make the complaints in every case of violation of this Ordinance to the said Judge having jurisdiction of all the offences herein set forth, and to carry into execution the judgments of said Judge in conformity with the provisions of the General Statutes of said Commonwealth and any acts in addition thereto.

SECT. 4. The Ordinance entitled "An Ordinance in relation to Truant Children and Absentees from School," passed June 20, 1859, and the Ordinance entitled "An Ordinance in relation to Truant Children and Absentees from School," passed April 21, 1862, are hereby repealed, and no ordinance which has been heretofore repealed shall be revived by the repeal herein contained.

SECT. 5. This Ordinance shall take effect from and after its passage and approval by the Superior Court, sitting in any County of the Commonwealth.

[Passed June 23, 1862.]

[Approved by the Superior Court, July 1, 1862.]



City of Roxbury.

RULES AND ORDERS

OF THE

BOARD OF ALDERMEN.

I. The order of business shall be as follows :

1. The journal of the previous meeting shall be read.

2. Petitions shall be next called for, and be disposed of by reference or otherwise.

3. Such nominations, appointments and elections as may be in order, shall be considered and disposed of.

4. The orders of the day shall be taken up, meaning by the orders of the day, the business remaining unfinished at the previous meeting, and such communications as may have been subsequently sent up from the Common Council.

5. New business may be introduced by any member of the Board.

II. Every Ordinance shall pass through the following stages before it shall be considered as having re-

ceived the final action of this Board, viz.: first reading, second reading, passage to be enrolled, passage to be ordained; and every joint resolution shall have two several readings before the question shall be taken on its final passage.

III. An Ordinance may be rejected at either stage of its progress, but shall not pass through all its stages in one day.

IV. Standing Committees shall be appointed on the Police of the City, on Licenses, on Bills and Accounts presented for payment, and on enrolment; each of said Committees to consist of three members.

V. No member shall be interrupted while speaking, but by a call to order, or for the correction of a mistake; nor shall there be any conversation among the members while a paper is being read or a question stated from the Chair.

VI. All Committees shall be appointed and announced by the Mayor, except such as the Board of Aldermen shall determine to elect by ballot.

VII. The above rules and orders of business shall be observed in all cases, unless suspended by a vote of two-thirds of the members present for a specific purpose.

RULES AND ORDERS

OF THE

C O M M O N C O U N C I L .



Rights and Duties of the President.

SECT. 1. The President shall take the chair at the hour to which the Council shall have adjourned ; shall call the members to order, and, on the appearance of a quorum, shall cause the minutes of the preceding meeting to be read, and proceed to business. In the absence of the President, any member present can call the Council to order, and preside until a President *pro tempore* shall be chosen by ballot. If, upon a ballot for President *pro tempore*, no member shall receive a majority of votes, the Council shall proceed to a second ballot, in which a plurality of votes shall prevail.

SECT. 2. He shall preserve order and decorum ; he may speak to points of order in preference to other members ; and shall decide all questions of order, subject to an appeal to the Council, on motion of any member regularly seconded.

SECT. 3. He shall declare all votes ; but if any member doubt the vote, the President, without further

debate upon the question, shall require the members voting in the affirmative and negative, to arise and stand until they are counted, and he shall declare the result ; but no decision shall be declared, unless a quorum of the Council shall have voted.

SECT. 4. He shall rise to address the Council, or to put a question, but may read sitting.

SECT. 5. The President may call any member to the chair ; provided such substitution shall not continue longer than one evening. When the Council shall determine to go into Committee of the Whole, the President shall appoint the member who shall take the chair. The President may express his opinion on any subject under debate ; but in such case he shall leave the chair, and appoint some other member to take it ; and he shall not resume the chair while the same question is pending. But the President may state facts and give his opinion on questions of order, without leaving his place.

SECT. 6. On all questions and motions, the President shall take the sense of the Council by yeas and nays, provided one-third of the members present shall so require.

SECT. 7. In all cases the President may vote.

SECT. 8. He shall propound all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature ; except that in naming sums and fixing times, the largest sum and longest time shall be put first.

SECT. 9. After a motion is stated by the President, it shall be disposed of by vote of the Council, unless the mover withdraw it before a decision or amendment.

SECT. 10. When a question is under debate, the

President shall receive no motion, but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit, to amend, or to postpone indefinitely ; which several motions shall have precedence in the order in which they stand arranged.

SECT. 11. He shall consider a motion to adjourn as always first in order ; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

SECT. 12. He shall put the previous question in the following form :—“ *Shall the main question be now put ?* ”—and all debate upon the main question shall be suspended until the previous question shall be decided. After the adoption of the previous question, the sense of the Council shall forthwith be taken upon amendments reported by a committee, upon pending amendments, and then upon the main question.

SECT. 13. On the previous question, no member shall speak more than once without leave ; and all incidental questions of order, arising after a motion is made for the previous question, shall be decided without debate, except on appeal ; and on such appeal, no member shall be allowed to speak more than once without leave of the Council.

SECT. 14. When two or more members happen to rise at once, the President shall name the member who is first to speak.

SECT. 15. All Committees shall be appointed and announced by the President, except such as the Council determine to elect by ballot ; and it shall be in order for any member to move that the President be appointed on any Committee.

Rights, Duties and Decorum of Members.

SECT. 16. When any member is about to speak in debate, or deliver any matter to the Council, he shall rise in his place, and respectfully address the presiding officer ; shall confine himself to the question under debate, and avoid personality. He shall sit down as soon as he has done speaking. No member shall speak out of his place without leave of the President.

SECT. 17. No member, in debate, shall mention another member by his name ; but may describe him by the Ward he represents, or such other designation as may be intelligible and respectful.

SECT. 18. No member speaking shall be interrupted by another, but by rising to call to order, or to correct a mistake. When a member is called to order, he shall immediately sit down, unless permitted to explain, and the Council, if appealed to, shall decide on the case without debate ; and if the decision is against the member, he shall not be permitted to speak, unless by way of excuse for the same, until he has made satisfaction.

SECT. 19. No member shall speak more than twice to the same question, if objection be made, until all other members choosing to speak, shall have spoken ; and if on the "previous question," no more than once without leave.

SECT. 20. When a motion is made and seconded, it shall be considered by the Council, and not otherwise ; and no member shall be permitted to submit a motion in writing, until he has read the same in his place, and it has been seconded.

SECT. 21. Every motion shall be reduced to writing, if the President direct, or any member of the Council request it.

SECT. 22. When a vote has passed, it shall be in order for any member of the *majority* to move for a reconsideration thereof on the same or succeeding meeting, and if the motion is seconded, it shall be open to debate; but if the motion to reconsider it is not made till the next meeting, the subject shall not be reconsidered, unless a majority of the whole Council shall vote therefor. And no more than *one* motion for the reconsideration of any vote shall be permitted.

SECT. 23. No member shall be permitted to stand up, to the interruption of another, whilst any member is speaking; or to pass unnecessarily between the President and the person speaking.

SECT. 24. Every member who shall be in the Council when a question is put, shall vote, unless for special reasons excused.

SECT. 25. The division of a question may be called for when the sense will admit of it.

SECT. 26. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Council.

SECT. 27. No standing rule or order of the Council shall be suspended, unless three-fourths of the members present shall consent thereto; nor shall any rule or order be repealed or amended, without one day's notice being given of the motion therefor, nor unless a majority of the whole Council shall concur therein.

SECT. 28. Every member shall take notice of the day and hour to which the Council may stand adjourned, and shall give his punctual attendance accordingly.

SECT. 29. No member shall be obliged to be on more than three Standing Committees at the same time, nor to be chairman of more than one.

Of Communications, Committees, Reports and Resolutions.

SECT. 30. All memorials and other papers addressed to the Council shall be presented by the President, or by a member in his place, who shall explain the subject thereof; and they shall lie on the table, to be taken up in the order in which they are presented, unless the Council shall otherwise direct. And every member presenting a petition, remonstrance, order, resolution, or other paper, shall endorse his name thereon, with a brief statement of the nature and object of the instrument.

SECT. 31. Standing Committees of this Council shall be appointed on the following subjects, viz.:—On Election and Returns, and on Enrolled Ordinances and Resolutions, each to consist of three members.

SECT. 32. No Committee shall sit during the sitting of the Council, without special leave.

SECT. 33. The rules of proceedings in Council shall be observed in Committee of the Whole, so far as they may be applicable, excepting the rules limiting the time of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

SECT. 34. When Committees of the Council, chosen by ballot, or Committees consisting of one member from each Ward, have been appointed or elected, whether joint or otherwise, the first meeting thereof shall be notified by the Clerk, by direction of the President, and they shall organize by the choice of Chair-

man, and report to the Council ; and when Committees, other than those above specified, are nominated by the President, the person first named shall be Chairman, and in case of the absence of the Chairman, the Committee shall have power to appoint a Chairman *pro tem*.

SECT. 35. All messages to the Mayor and Aldermen shall be drawn up by the Clerk, and sent by the Messenger.

SECT. 36. All ordinances, resolutions and orders shall have two several readings before they shall be finally passed by this Council ; and all ordinances after being so passed shall be enrolled.

SECT. 37. No ordinance, order or resolution, imposing penalties or authorizing the expenditure of money, except orders for printing, by either branch of the City Council, shall have more than one reading on the same day, if one-third of the members present object.

SECT. 38. The seats of the members of the Council shall be numbered, and determined by lot ; and no member shall change his seat but by permission of the President.

SECT. 39. All Special Committees, unless otherwise ordered, shall consist of three members. And no report shall be received from any committee, unless agreed to in committee assembled.

SECT. 40. The Clerk shall keep brief minutes of the votes and proceedings of the Council,—entering thereon all accepted orders and resolutions,—shall notice reports, memorials and other papers submitted to the Council, only by their titles, or a brief description of their purport,—shall notify the Chairmen of the vari-

ous Committees on the part of the Council of their election ; but all accepted reports from Special Committees of this Board shall be entered at length in a separate journal, to be kept for that purpose, and provided with an index.

SECT. 41. All salary officers shall be voted for by written ballot.

SECT. 42. It shall be the duty of all Standing Committees of the Council to keep records of all their doings in books provided for that purpose by the Clerk ; and it shall be the duty of the Clerk to attend the meetings of said Committees, and make said records when requested so to do.

SECT. 43. No meeting of any Committee shall be called upon less notice than twenty-four hours.

SECT. 44. In all elections by ballot, on the part of the Council, blank ballots, and all ballots for persons not eligible, shall be reported to the Council, but shall not be counted in making up the returns, except in cases where this Council have only a negative upon nominations made by the Mayor and Aldermen.

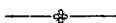
SECT. 45. It shall be the duty of every Committee of the Council, to whom any subject may be specially referred, to report thereon within four weeks from the time said subject is referred to them, or ask for further time.

SECT. 46. In any case not provided for by the rules and orders of the City Council, the proceedings shall be conducted according to "Cushing's Manual of Parliamentary Practice."

JOINT RULES AND ORDERS

OF THE

CITY COUNCIL.



SECT. 1. At the commencement of the Municipal Year, the following Joint Standing Committees shall be chosen by ballot, viz :—

A Committee on *Finance*, to consist of the Mayor, two Aldermen, and five members of the Common Council.

A Committee on *Accounts*, to consist of two Aldermen, and three members of the Common Council.

A Committee on *Sewerage*, to consist of the Mayor, two Aldermen, and five members of the Common Council.

And the following Committees shall be *appointed*, viz. :

A Committee on *Public Property*, to consist of three members of the Board of Mayor and Aldermen, and five members of the Common Council.

A Committee on *Public Instruction*, to consist of the Mayor, two Aldermen, and the President and four members of the Common Council.

A Committee on the *Poor and Almshouse*, to consist of the Mayor, one Alderman, and three members of the Common Council.

A Committee on *Fuel*, to consist of two members of the Board of Mayor and Aldermen, and three members of the Common Council.

A Committee on *Claims*, to consist of three Aldermen, and five members of the Common Council, who

shall have full power and authority to investigate all claims against the City, and to take any measures for the defence of such claims that they may deem expedient, and also under the advice of the Mayor, to adjust and settle all claims not exceeding the sum of \$100.

A Committee on *Streets*, to consist of the Mayor, two Aldermen, and five members of the Common Council.

A Committee on the *Fire Department*, to consist of three members of the Board of Mayor and Aldermen, and five members of the Common Council.

A Committee on *Military Affairs*, to consist of the Mayor, two Aldermen, and five members of the Common Council.

A Committee on *Burial Grounds*, to consist of the Mayor, two Aldermen, and five members of the Common Council.

A Committee on *Lamps*, to consist of three members of the Board of Mayor and Aldermen, and five members of the Common Council.

A Committee on *Printing*, to consist of two members of the Board of Mayor and Aldermen, and three members of the Common Council.

A Committee on *Parks and Squares*, to consist of the Mayor, two Aldermen, and five members of the Common Council.

A Committee on *Watering Streets*, to consist of two members of the Board of Mayor and Aldermen, and three members of the Common Council.

On all Joint Committees wherein it is provided that the Mayor shall be a member, in case of the non-election, decease, inability or absence of that officer, the Chairman of the Board of Aldermen shall act *ex officio*. And the members of the Board of Aldermen and of

the Common Council, who shall constitute the Joint Standing Committees, shall be chosen or appointed by their respective Boards.

The member of the Board of Aldermen first named in every Joint Committee, of which the Mayor is not a member, shall be its Chairman; and in case of his resignation or inability, the member of the same Board next in order; and after him the member of the Common Council first in order, shall call meetings of the Committee and act as Chairman.

The Mayor shall be *ex officio* Chairman of any Joint Special Committee of which he is a member. And whenever the Chairman of any such Committee shall have omitted to call a meeting of its members for the space of one week from the time any subject has been referred to it, any two of the members of every such Joint Committee shall have power to call meetings thereof.

SECT. 2. In all cases of disagreement between the two Boards, when either Board shall request a conference and appoint a Committee for that purpose, the other Board shall also appoint a Committee to confer, which Committee shall forthwith meet, provided both branches are then in session; otherwise, as soon as convenient, and state to each other, either verbally or in writing, as either shall choose, the reasons of the respective Boards for and against the amendment, confer freely thereon, and report to their respective branches.

SECT. 3. When either Board shall not concur in any ordinance or other paper sent from the other Board, the Board so non-concurring, shall give immediate notice thereof to the other branch by written message.

SECT. 4. All by-laws passed by the City Council,

shall be termed ORDINANCES ; and the enacting style shall be,—“ *Be it ordained by the City Council of the City of Roxbury.*”

SECT. 5. In all votes, when either or both branches of the City Council express any thing by way of command, the form of expression shall be “ORDERED ;” and when either or both branches express *opinions, principles, facts, or purposes*, the form shall be “RESOLVED.”

SECT. 6. No Committee shall act by separate consultation, and no report shall be received unless agreed to in Committee actually assembled.

SECT. 7. No Chairman of any Committee shall audit or approve any bill or account against the City, for any supplies or services which shall not have been ordered or authorized by the Committee.

SECT. 8. No Committee shall enter into any contract with, or purchase, or authorize the purchase of any article of any of its members.

SECT. 9. No member of the City Council shall receive compensation for services rendered the City, unless by direct vote of the City Council.

SECT. 10. The reports of all Committees, agreed to by a majority of the members, shall be made to the Board in which the business referred originated. And all Committees may report by ordinance, resolve or otherwise.

SECT. 11. All reports and other papers submitted to the City Council, shall be written in a fair hand, and no report of any kind shall be endorsed on the memorials or other papers referred to the Committees of either branch ; and the Clerks shall make copies of any papers to be reported by Committees at the request of the respective Chairmen thereof.

SECT. 12. Each Board shall transmit to the other, all papers on which any Ordinance or Joint Resolutions shall be printed; and all papers on their passage between the two Boards may be under the signatures of the respective clerks, except Ordinances and Joint Resolutions in their last stage, which shall be signed by the presiding officers.

SECT. 13. The titles of all Ordinances and Joint Resolutions shall be prefixed upon their introduction.

SECT. 14. Every Ordinance shall have as many readings in each Board as the rules of each Board require, after which the question shall be on passing the same to be enrolled; and when the same shall have passed to be enrolled, it shall be sent to the other Board for concurrence; and when such Ordinance shall have so passed to be enrolled in each Board, the same shall be enrolled by the Clerk of the Common Council, and examined by a Committee of that Board; and on being found by said Committee to be truly and correctly enrolled, the same shall be reported to the Council, when the question shall be on passing the same to be ordained; and when said Ordinance shall have so passed to be ordained, it shall be signed by the President of the Common Council, and sent to the other Board, when a like examination shall be made by a Committee of that Board, and if found correctly enrolled, the same shall be reported to the Board, and the question shall be on passing the same to be ordained; and when the same shall have passed to be ordained, it shall be signed by the Mayor.

SECT. 15. Every Order and Joint Resolution shall have as many readings in each Board as the rules of such Board require, after which the question shall be

on passing the same ; and when the same shall have passed, except orders for printing, for the use of either branch of the City Council, it shall be sent to the other Board for concurrence.

SECT. 16. No enrolled Ordinance shall be amended.

SECT. 17. It shall be the duty of every Joint Committee, (the Committee on Streets excepted,) to whom any subject may be specially referred, to report thereon within four weeks, or ask further time.

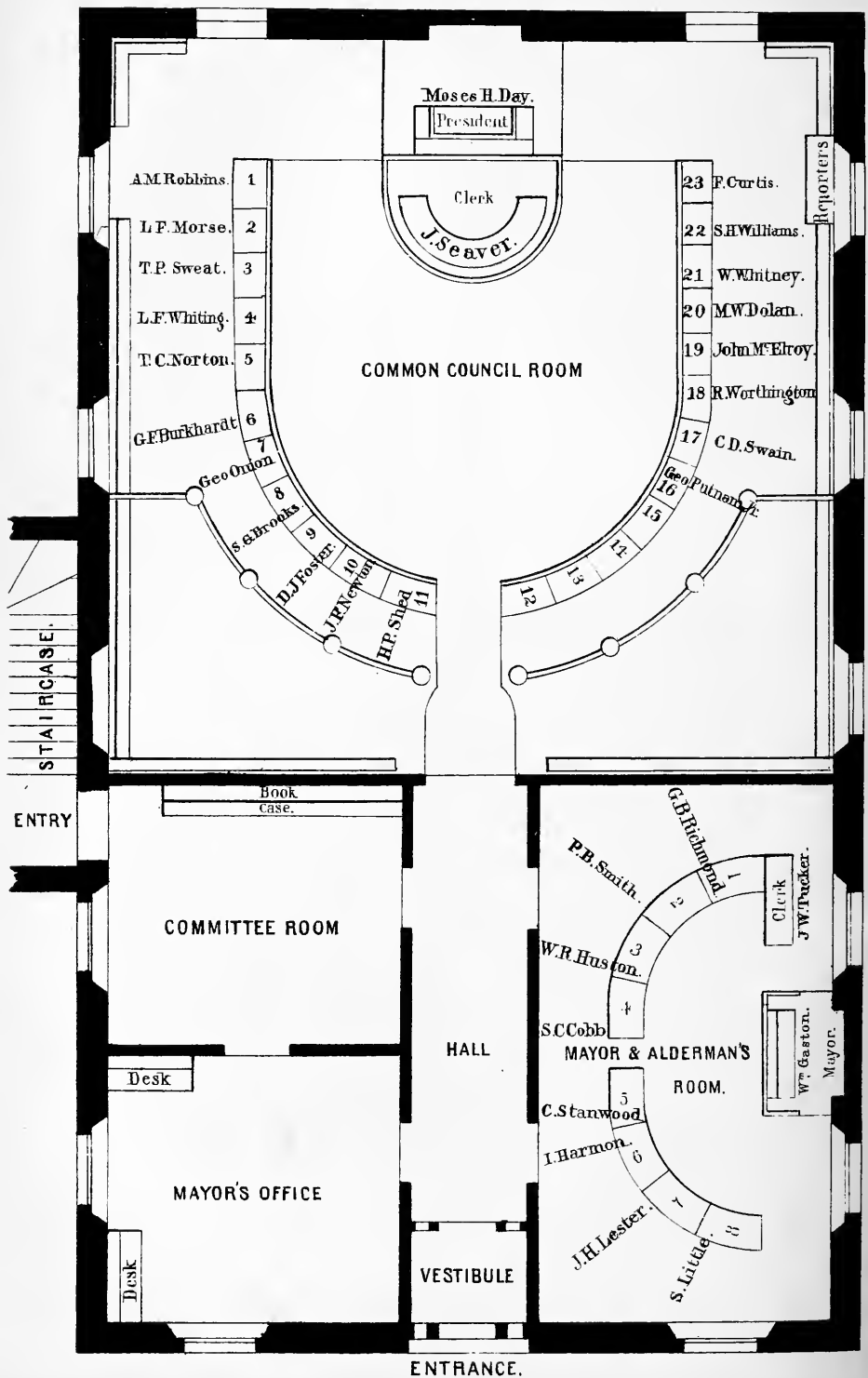
SECT. 18. Either Board may propose to the other, for its concurrence, a time to which both Boards will adjourn.

SECT. 19. No business shall be transacted by the City Council in convention, except such as shall have been previously agreed upon.

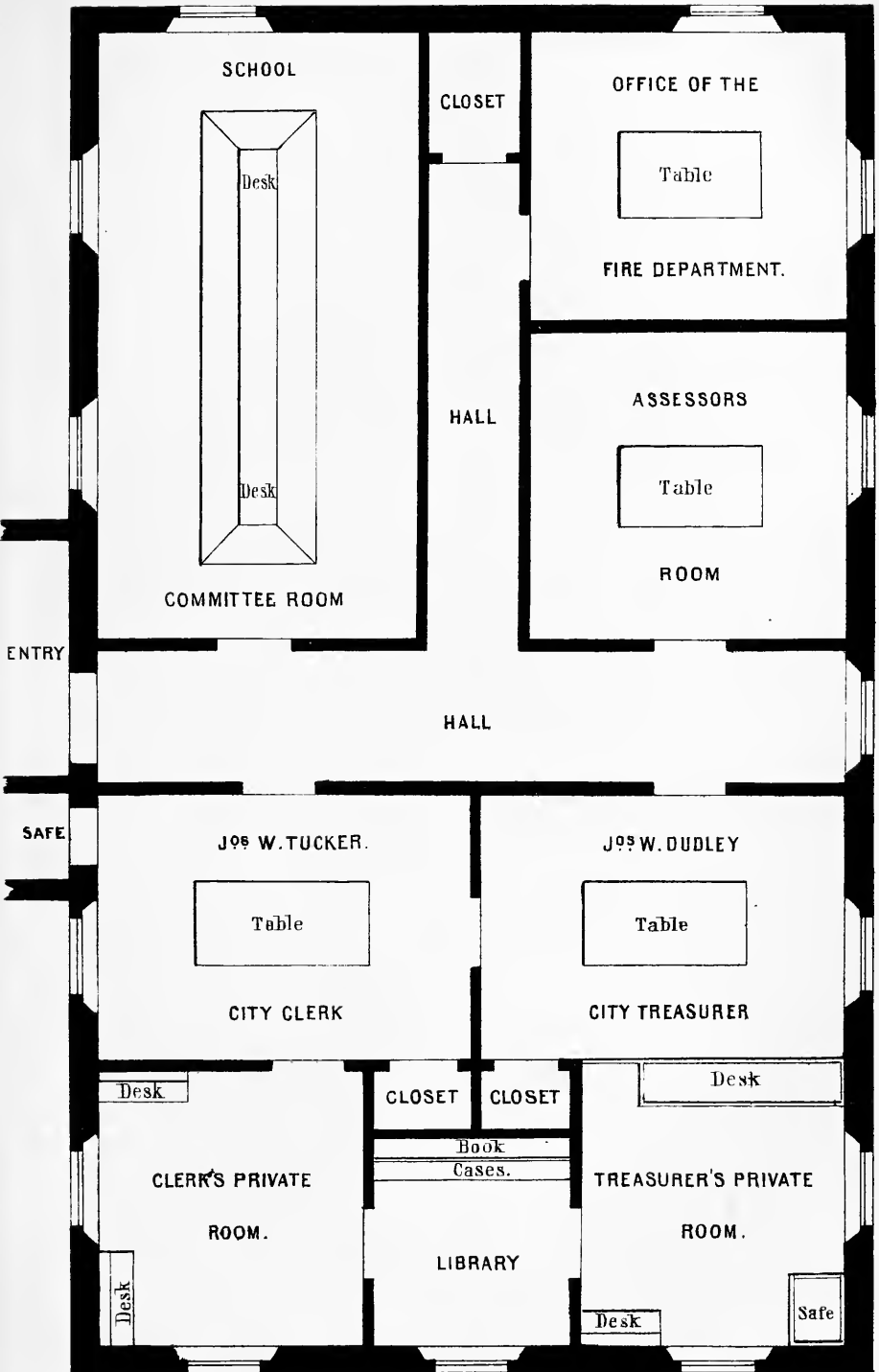
SECT. 20. After the annual appropriations shall have been passed, no subsequent expenditure shall be authorized for any object, unless provision for the same shall be made by a specific transfer from some of the appropriations contained in the annual resolution, or by expressly creating therefor a city debt ; but no such debt shall be created, unless the resolution authorizing the same, pass by the affirmative votes of two-thirds of the whole number of each branch of the City Council, voting by yea and nay.

SECT. 21. No vote, by which an order, resolve or ordinance has been passed in its final stage, shall be reconsidered in either Board after the same has been finally acted upon in the other Board, unless the motion for reconsideration be made, or notice given at the same meeting at which the vote to be reconsidered passed.

1ST STORY.



2ND STORY.



GOVERNMENT
OF THE
CITY OF ROXBURY,
FOR
1862.

MAYOR.
WILLIAM GASTON,
LINDEN PARK.

[Salary \$1500. Charter, Sect. 7.]

ALDERMEN.

SAMUEL LITTLE,	. . .	Washington Street,	AT LARGE,
SAMUEL C. COBB,	. . .	Highland Street,	"
IVORY HARMON,*	. . .	Greenville Street,	"
CHARLES STANWOOD,	. .	Orchard Street,	WARD 1.
GIDEON B. RICHMOND,	. .	Franklin Place,	" 2.
WILLIAM R. HUSTON,	. .	Dudley Street,	" 3.
PHINEAS B. SMITH,	. .	Marcella Street,	" 4.
JOHN H. LESTER,	. . .	Greenville Street,	" 5.

* Elected June 23, to fill the vacancy occasioned by the resignation of ARIEL LOW, Esq.

COMMON COUNCIL.

MOSES H. DAY, *President*,

CROSS STREET.

WARD 1.

L. FOSTER MORSE,	.	.	.	Zeigler Street,
LEWIS F. WHITING,	.	.	.	Orchard Street,
MICHAEL W. DOLAN,	.	.	.	Adams Street,
THOMAS C. NORTON,	.	.	.	Plymouth Street.

WARD 2.

ALVIN M. ROBBINS,	.	.	.	Williams Place,
THOMAS P. SWEAT,	.	.	.	Tremont Street,
SQUARE G. BROOKS,	.	.	.	Tremont Street,
GEORGE ONION,	.	.	.	Winslow Place.

WARD 3.

JOHN McELROY,	.	.	.	Clay Street,
GOTLIEB F. BURKHARDT,	.	.	.	Smith Street,
STEPHEN H. WILLIAMS,	.	.	.	Park Street, Longwood,
WILLIAM WHITNEY,	.	.	.	Hollis Place.

WARD 4.

HENRY P. SHED,	.	.	.	Cedar Street,
MOSES H. DAY,	.	.	.	Cross Street,
ROLAND WORTHINGTON,	.	.	.	Hawthorn Street,
GEORGE PUTNAM, JR.,	.	.	.	Highland Street.

WARD 5.

CHARLES D. SWAIN,	.	.	.	Winthrop Street,
FRANKLIN CURTIS,*	.	.	.	Waverly Street,
DAVID J. FOSTER,	.	.	.	Eustis Street,
JOHN F. NEWTON,	.	.	.	Dudley Street.

* Elected to fill the vacancy occasioned by the resignation of WILLIAM H. McINTOSH, Esq.

JOINT STANDING COMMITTEES OF THE CITY COUNCIL.

ON FINANCE.

The Mayor.	<i>Common Council.</i>
<i>Aldermen</i>	Messrs. Worthington,
Little,	Newton,
Lester.	Williams,
	Brooks,
	Whiting.

ON ACCOUNTS.

<i>Aldermen</i>	<i>Common Council.</i>
Little,	Messrs. Swain,
Cobb.	Curtis,
	Onion.

ON SEWERAGE.

The Mayor.	<i>Common Council.</i>
<i>Aldermen</i>	Messrs. Robbins,
Stanwood,	Foster,
Smith.	Putnam,
	Whitney,
	Sweat.

ON PUBLIC PROPERTY.

<i>Aldermen</i>	<i>Common Council.</i>
Little,	Messrs. Robbins,
Cobb,	Morse,
Richmond.	Curtis,
	Worthington,
	McElroy.

ON PUBLIC INSTRUCTION.

The Mayor.	<i>Common Council.</i>
<i>Aldermen</i>	Messrs. Day, <i>ex officio</i> ,
Lester,	Shed,
Little.	Whiting,
	Newton,
	Williams.

ON POOR AND ALMSHOUSE.

The Mayor.	<i>Common Council.</i>
<i>Alderman</i>	Messrs. McElroy,
Smith.	Brooks,
	Norton.

ON FUEL.

<i>Aldermen</i>	<i>Common Council.</i>
Harmon,	Messrs. Foster,
Lester.	Newton,
	Norton.

ON CLAIMS.

<i>Aldermen</i>	<i>Common Council.</i>
Cobb,	Messrs. Worthington,
Lester,	Curtis,
Richmond.	Robbins,
	Whiting,
	Putnam.

ON STREETS.

The Mayor.	<i>Common Council.</i>
<i>Aldermen</i>	Messrs. Swain,
Richmond,	Robbins,
Smith.	Worthington,
	Whitney,
	Dolan.

ON FIRE DEPARTMENT.

<i>Aldermen</i>	<i>Common Council.</i>
Stanwood,	Messrs. Curtis,
Huston,	Morse,
Harmon.	McElroy,
	Shed,
	Sweat.

ON BURIAL GROUNDS.

The Mayor.	<i>Common Council.</i>
<i>Aldermen</i>	Messrs. Foster,
Harmon,	Shed,
Lester.	Whiting,
	Sweat,
	Burkhardt.

ON LAMPS.

<i>Aldermen</i>	<i>Common Council.</i>
Smith,	Messrs. Newton,
Huston,	Morse,
Stanwood.	Whitney,
	Onion,
	Putnam.

ON PRINTING.

<i>Aldermen</i>	<i>Common Council.</i>
Stanwood,	Messrs. Shed,
Huston.	Swain,
	Whitney.

ON PARKS AND SQUARES.

The Mayor.	<i>Common Council.</i>
<i>Aldermen</i>	Messrs. Shed,
Richmond,	Foster,
Cobb.	Burkhardt,
	Brooks,
	Norton.

ON MILITARY AFFAIRS.

The Mayor.

Aldermen

Little,

Cobb.

Common Council.

Messrs. Worthington,

Swain,

Morse,

Williams,

Onion.

ON WATERING STREETS.

Aldermen

Huston,

Stanwood.

Common Council.

Messrs. Swain,

Putnam,

Burkhardt.

STANDING COMMITTEE OF THE BOARD OF ALDERMEN.

ON POLICE.

The Mayor, *Aldermen* Little and Huston.

ON LICENSES.

Aldermen Smith, Harmon and Stanwood.

ON BILLS AND ACCOUNTS PRESENTED FOR PAYMENT.

Aldermen Lester, Cobb and Little.

ON ENROLMENT.

Aldermen Richmond, Smith and Harmon.

STANDING COMMITTEES OF THE COMMON COUNCIL.

ON ELECTIONS.

Messrs. Putnam, Jr., Brooks and Dolan.

ON ENROLLED ORDINANCES.

Messrs. Williams, Worthington and McElroy.

CITY CLERK AND CLERK OF BOARD OF ALDERMEN.

JOSEPH W. TUCKER, Lambert Street.

[Salary \$1200. Fees payable into the City Treasury. Chosen by City Council
in Convention, in January. Office, City Hall. Charter, Sect. 8.]

CLERK OF COMMON COUNCIL.

JOSHUA SEAVER, Sumner Place.

[Salary \$200. Chosen by Common Council. Charter, Sect. 6.]

CITY MESSENGER.

WILLIAM N. FELTON, Zeigler Street.

[Salary \$600. Chosen by concurrent vote in April. Ordinance, No. 5.]

SURVEYORS OF HIGHWAYS.

[Ordinance No. 3, Sect. 1.]

William Gaston,
Samuel Little,
Samuel C. Cobb,
Ivory Harmon,
Charles Stanwood,

Gideon B. Richmond,
William R. Huston,
Phineas B. Smith,
John H. Lester.

COMMISSIONER OF STREETS.

MOSES H. WEBBER, Webster Street.

[Salary \$1000. Chosen by the Mayor and Aldermen, in January. Ord. No. 40.]

SUPERINTENDENT OF SEWERS.

MOSES H. WEBBER, Webster Street.

[Salary \$100.]

TREASURY DEPARTMENT.

TREASURER AND COLLECTOR.

JOSEPH W. DUDLEY, Blanchard Place.

[Salary \$1800. Chosen by City Council, in Convention, in January. Office City Hall. Charter, Sect. 8. See Ordinance No. 8.]

ASSESSORS.

John S. Sleeper, Joshua Seaver, William H. McIntosh.

[Receive \$400 each, and \$100 for Clerk hire. Chosen by City Council, in Convention, in April. Charter, sections 8 and 11.]

ASSISTANT ASSESSORS.

Ward 1. Jarvis W. Dean,	Ward 4. Daniel W. Glidden,
2. William Seaver,	5. John J. Merrill.
3. Uriah T. Brownell,	

[Receive \$20 each. Chosen in each Ward where they reside. Charter, Sect. 11.]

OVERSEERS OF THE POOR.

THE MAYOR, *ex officio*, Chairman.

Ward 1. William Manning,	Ward 4. George Curtis,
2. Ira Allen,	5. Joseph B. Young.
3. John W. Parker,	

JOSHUA SEAVER, *Agent*.

[Office over Nelson Worthen's Store, Washington Street.]

THE ALMSHOUSE.

EZRA YOUNG, *Superintendent*.

[Salary \$500. Appointed by the Overseers of the Poor.]

JOHN S. FLINT, M. D., *Physician*, Bartlett Street.

[Salary \$200. Appointed by the Overseers of the Poor.]

CEMETERY AT FOREST HILLS.

BOARD OF COMMISSIONERS.

[Elected by the City Council. See Act, p. 31.]

	Term expires.
William J. Reynolds,	1863
E. W. Bumstead,	1864
George Lewis,	1865
Francis C. Head,	1866
Alvah Kittredge,	1867

Alvah Kittredge, *Chairman*.Francis C. Head, *Secretary*.Joseph W. Dudley, *Treasurer*.Joseph W. Tucker, *Register*.Oliver Moulton, *Superintendent*.

HARBOR MASTER.

FRANKLIN WINCHESTER, Eaton Street.

[Salary \$100. Appointed in April. Ordinance No. 58.]

FIRE DEPARTMENT.

[Ordinance No. 34.]

CHIEF ENGINEER.

JAMES MUNROE, Webber Street.

[Salary \$400.]

ASSISTANT ENGINEERS.

- | | |
|--------------------|----------------------|
| 1. Robert Simpson, | 3. Phineas D. Allen, |
| 2. John Culligin, | 4. John Brooks. |

[The Chief and Assistant Engineers are chosen by the City Council, in Convention, in April. The rank of the Assistant Engineers is determined by the Mayor and Aldermen. They receive \$80 each; the Secretary an additional sum of \$15.]

DEARBORN STEAM ENGINE, CENTRE STREET.

George K. Saville, <i>Engineer</i> ,	\$660
George Worcester, <i>Fireman</i> ,	540
Thomas H. Murphy, <i>Driver</i> ,	540
Charles A. Vose, <i>Driver</i> of Hose Carriage, .	540
George White, <i>Foreman</i> of Hose and Clerk, .	80

FOREMEN OF ENGINES.

Warren Co. No. 1. Dudley, corner Warren Street.
Thomas Brinnan.

Torrent Co. No. 6. Eustis Street.
Thomas Gavan.

Tremont Co. No. 7. Ruggles Street.
Archibald Hall.

Washington Hook and Ladder Co. Dudley, cor. Warren Street.
Henry C. Allen.

Cochituate Hose Co. Culvert Street.
Thomas A. Scott.

TABLE OF THE PAY OF THE OFFICERS AND MEMBERS.

Name of Engine.	Foreman.	Clerk.	Steward.	No. of Men exclusive of Officers.	Pay of Members.
Warren, No. 1,	\$80	\$70	\$100	38	\$36
Torrent, No. 6,	80	70	100	38	36
Tremont, No. 7,	80	70	100	38	36
Hook and Ladder Company,	80	60	80	18	36
Cochituate Hose Company,	80	55	65	10	36

The members of the Engine Companies are appointed by the Mayor and Aldermen. Their compensation is determined by the City Council.

CITY SOLICITOR.

PAUL WILLARD, Walnut, corner of Dale Street.

[Salary \$500. Chosen by concurrent vote, in February. Ordinance No. 43.]

HEALTH DEPARTMENT.

BOARD OF HEALTH.

[Charter, Sect. 13. Ordinance No. 36.]

The Mayor and Aldermen.

CONSULTING PHYSICIANS.

Charles M. Windship, M. D.

Timothy R. Nute, M. D.

Horatio G. Morse, M. D.

[Appointed by the Mayor and Aldermen, in May or June. Ordinance No. 14.]

CITY PHYSICIAN.

JOSEPH H. STREETER, M. D., Washington Street.

[Salary \$200. Chosen by concurrent vote in May. Ordinance No. 48. Office rear of City Hall.]

SUPERINTENDENT OF BURIAL GROUNDS AND UNDERTAKER.

JOHN C. SEAVER, corner Union and Short Streets.

JOSEPH S. WATERMAN, Undertaker, 5 Edinboro' Street.

[Ordinance No. 12.]

POLICE DEPARTMENT.

POLICE COURT.

STANDING JUSTICE.

PETER S. WHELOCK, Bower Street.

[Salary \$1500, paid by the State.]

CLERK.

ARIAL I. CUMMINGS, Dudley Street.

[Salary \$500, paid by the State.]

SPECIAL JUSTICES.

JOSHUA SEAVER,

EBEN JONES.

CITY MARSHAL.

BENJAMIN MERIAM, Shawmut Avenue.

[Salary \$2.75 per diem. Ordinance No. 45. Appointed by the Mayor and Aldermen.]

ASSISTANT MARSHALS.

Joseph Hubbard,
Hiram A. Campbell,
Hawley Folsom,
Samuel McIntosh,Matthew Clark,
Jeremiah M. Swett,
William E. Hicks,
William D. Cook.

[Salary \$2 per diem; fixed by the City Council. All fees paid into the City Treasury. Appointed by the Mayor and Aldermen.]

NIGHT WATCHMEN.

Joseph Parker,
Edward F. Mecuen,
Elbridge G. Cobb,
Joseph Hastings,
Thomas Culligin,
James Staniels,Henry Morse,
George R. Matthews,
George H. Bills,
Eben T. Hitchcock,
James D. Loker.

[Pay \$2.00 per diem. Appointed by the Mayor and Aldermen.]

NIGHT WATCHMEN WITHOUT PAY.

Benjamin Meriam,	Matthew Clark,
Joseph Hubbard,	Jeremiah M. Swett,
Hiram A. Campbell,	William E. Hicks,
Hawley Folsom,	William D. Cook.
Samuel McIntosh,	

CONSTABLES.

Benjamin Meriam,	Moses N. Hubbard,
Henry L. Ford,	James Munroe,
Joseph Parker,	Sylvester E. Partridge,
Edward F. Mecuen,	Caleb S. Emery,
Elbridge G. Cobb,	Morrill P. Berry,
Joseph Hastings,	Joseph Hubbard,
Thomas Culligin,	Hiram A. Campbell,
James Staniels,	Hawley Folsom,
Henry Morse,	Samuel McIntosh,
George R. Matthews,	Matthew Clark,
George H. Bills,	Jeremiah M. Swett,
Eben T. Hitchcock,	William E. Hicks,
James D. Loker,	William D. Cook.
Phineas B. Smith,	

[Appointed by the Mayor and Aldermen.]

SPECIAL POLICE.

Lewis F. Whiting,	John Culligin,
Silas Dole,	Dearborn S. Blake.
William N. Hastings,	

CORONERS.

Thomas Adams,	.	.	.	Vernon Street.
Morrill P. Berry,	.	.	.	Webster Building.
Ira Allen,	.	.	.	Cabot Street.

SUBORDINATE OFFICERS.

The following Officers are first elected by the Mayor and Aldermen, and then sent to the Common Council for their concurrence. They are all paid by fees. [Ordinance No. 3.]

FIELD DRIVERS AND HOGREEVES.

Charles D. Bickford,	Edward F. Mecuen,
Hawley Folsom,	Matthew Clark,
William E. Hicks,	Thomas Culligin,
Samuel McIntosh,	Luke Vila,
James D. Loker,	Sylvester E. Partridge,
William D. Cook,	Ebenezer B. Rumrill,
Jeremiah M. Swett,	James Staniels.
Elbridge G. Gobb,	

FENCE VIEWERS.

Moses Gragg, David Simpson, John Dove.

POUND KEEPER.

Thomas M. Cotton.

TYTHINGMEN.

Elbridge A. Hovey, | Phineas B. Smith.

SEALERS OF LEATHER.

Reuben M. Stackpole, | Joseph W. Winslow.

MEASURERS OF WOOD AND BARK.

Elbridge A. Hovey,	Henry Basford,
Stephen Faunce,	Francis Freeman,
William Seaver,	Stephen Hammond.

WEIGHER OF HAY, COAL AND BEEF, AND PUBLIC WEIGHER.

Andrew W. Newman.

SEALER OF WEIGHTS AND MEASURES.

Melzar Waterman.

PUBLIC SCHOOLS.

SCHOOL COMMITTEE.

[Charter, Sect. 11. Ordinance No. 22.]

HORATIO G. MORSE, *Chairman*. | JOSHUA SEAVER, *Secretary*.*Elected at Large.*

GEORGE PUTNAM, JOHN S. SLEEPER, FRANKLIN WILLIAMS.

Elected by Wards.

Ward 1.—Horatio G. Morse, George W. Adams.

“ 2.—Joshua Seaver, Ira Allen.

“ 3.—Ariel I. Cummings, John D. McGill.

“ 4.—John W. Olmstead, Jeremiah Plympton.

“ 5.—Sylvester Bliss, Alfred P. Putnam.*

STANDING COMMITTEES.

Regulations—Messrs. Cummings, Williams, Seaver.*Finance*—Messrs. Seaver, Sleeper, Adams.*Books*—Messrs. Morse (*ex off.*), G. Putnam, Olmstead, A. P. Putnam, Williams.*Examination of Primary School Teachers*—Messrs. Morse, (*ex off.*), Allen, Cummings, Plympton, Bliss.

OF DIFFERENT SCHOOLS.

Schools.	Location.	Local Committee.
Latin,	Mount Vernon Place,	Under Charge of Trustees.
High School, . . .	Kenilworth Street,	Olmstead, A.P. Putnam, Bliss
Dudley,	Kenilworth & Bartlett Sts.	Bliss, Plympton, Olmstead.
Washington, . . .	Washington Street,	Seaver, Plympton, Adams.
Dearborn,	Dearborn Place,	Cummings, Williams, Sleeper.
Comins,	Gore Avenue,	Allen, G. Putnam, McGill.
Francis Street, . .	Francis Street,	Plympton, Adams, Seaver.

*Rev. A. P. Putnam has resigned. The vacancy is to be filled.

LATIN AND ENGLISH HIGH SCHOOL.

Augustus H. Buck, *Principal*.William C. Collar, *Assistant*.

PREPARATORY DEPARTMENT.

Miss Elizabeth Weston, *Teacher*.

This School is under the direction of a Board of Trustees, consisting of the following gentlemen :—

George Putnam, *President*.James Guild, *Treasurer*.Charles K. Dillaway, *Sec'y*.

A. C. Thompson,

Theodore Otis,

S. P. Blake,

John S. Sleeper,

Joseph S. Ropes,

William S. Leland,

S. C. Thwing,

William C. Appleton.

HIGH SCHOOL—FOR BOTH SEXES.

Samuel M. Weston, *Principal*.George H. Gorley, *Assistant*.Sarah A. M. Cushing, *2d Assistant*.

DUDLEY SCHOOL—FOR GIRLS.

Sarah J. Baker, *Principal*.Emmie C. Allen, *Assistant*.

2d Division, Sarah J. Leavitt ; 3d, Clara B. Tucker ; 4th, Helen J. Otis ; 5th, Eliza Brown.

WASHINGTON SCHOOL—FOR BOYS.

John Kneeland, *Principal*.Harriet E. Burrell, *Assistant*.

2d Division, Ann M. Williams ; 3d, Delia Mansfield ; 4th, Rebecca A. Jordan ; 5th, Harriet M. Daniell ; 6th, Caroline C. Brown.

DEARBORN SCHOOL—BOTH SEXES.

William H. Long, *Principal*.Maria L. Tincker, *Assistant*.

BOYS' DIVISIONS.

Rebecca R. Pettengill,
Sarah S. Adams,
Henrietta M. Young,
Frances L. Bredeen,
Anne M. Backup,
Margaret E. Davis.

GIRLS' DIVISIONS.

Ellen A. Marean,
Caroline J. Nash,
Clementine B. Thompson,
Mary G. Hewes,
Louisa J. Fisher.

COMINS SCHOOL—BOTH SEXES.

Daniel W. Jones, *Principal*.Mary C. Eaton, *Assistant*.

BOYS' DIVISIONS.

Alice C. Pierce,
Sarah M. Vose,
Esther M. Nickerson,
Emma F. Taft,
Carrie K. Nickerson,
Sarah E. Field.

GIRLS' DIVISIONS.

Elizabeth W. Young,
Almira W. Chamberline,
Elizabeth A. Morse,
Charlotte P. Williams,
Anne L. Tucker.

FRANCIS STREET SCHOOL—BOTH SEXES.

Sophronia F. Wright, *Principal*.

TEACHER OF MUSIC IN GRAMMAR SCHOOLS.

Charles Butler.

CURATOR OF SCHOOL BUILDINGS.

Jonas Pierce, Jr., Dudley Street.

PRIMARY SCHOOLS AND LOCAL COMMITTEES—1862.

[Each School for both Sexes. Salary the first year, \$275; afterwards, \$300.]

TEACHERS.	LOCATION.	COMMITTEES.
No. 1. Lizzie M. Wood	Yeoman Street....	Adams.
2. Anna M. Balch	" "	"
3. Susan F. Rowe	" "	"
4. (Vacant)	" "	"
5. Mary F. Neal	Eustis Street.....	Williams.
6. Emma C. Wales	Sumner Street....	"
7. Mary L. Walker.....	" "	"
8. Elizabeth C. Backup ...	Eustis Street.....	"
9. Clara M. Adams	Vernon Street	Bliss.
10. Susannah L. Durant....	" "	"
11. Eliza D. Cole.....	" "	"
12. Catherine F. Mayall....	" "	"
13. Annie G. Fillebrown,...	Sudbury Street ...	Allen.
14. Olive C. Emery.....	" "	"
15. Cornelia J. Bills	" "	"
16. Mary C. Williams.....	" "	"
17. Sarah J. Davis	Avon Place	Cummings.
18. Eliza J. Lewis	" "	"
19. Sarah W. Holbrook	Mill Dam.....	Allen.
20. Elizabeth M. Hall.....	Francis Street.....	McGill.
21. Caroline N. Heath	Heath Street.....	G. Putnam.
22. Anna M. Eaton	Smith Street.....	McGill.
23. Anna E. Clark	" "	"
24. Mary E. Tucker.....	Heath Place	Seaver.
25. Mary E. Munroe.....	" "	"
26. Charlotte C. Simpson....	" "	"
27. Asenath Nichols	" "	"
28. Sarah A. P. Fernald....	Orange Street.....	Cummings.
29. Martha H. Horn	" "	"
30. Henrietta M. Wood	Centre Street	Olmstead.
31. Mary A. Morse	" "	"
32. Maria L. J. Perry.....	Edinboro' Street...	Plympton.
33. Matilda M. Hutchins ...	" "	"
34. Almira B. Russell.....	Munroe Street	"
35. Frances N. Brooks	Winthrop Street...	Sleeper.
36. Maria L. Young	" "	"
37. Anne E. Boynton.....	Elm Street	A. P. Putnam.
38. Fanny H. C. Bradlee....	" "	"
39. (Discontinued)	Alms-house	"
40. Sarah H. Hosmer	George Street.....	Morse.
41. Caroline E. Jennison....	" "	"
42. Mary C. Bartlett.....	" "	"
43. Susan H. Blaisdell	" "	"
44. (Discontinued)	" "	"
45. Mary E. Johnson	Sudbury Street....	Allen.

WARD OFFICERS.

WARD 1.

Warden.
Jarvis W. Dean.

Clerk.
Tappan S. Eaton.

Inspectors.
Roger Drury,
Samuel Curtis,
Edward Myers.

WARD 2.

Warden.
Joshua Seaver.

Clerk.
Anthony B. Shaw.

Inspectors.
George C. Burgess,
George Richards,
Henry E. Lingham.

WARD 3.

Warden.
Francis Freeman.

Clerk.
Charles A. Davis.

Inspectors.
James Crosley,
I. P. Clark,
Geo. H. Wiggin.

WARD 4.

Warden.
John R. Withington.

Clerk.
Henry H. Page.

Inspectors.
Phineas B. Smith, Jr.,
James W. Garcia,
Geo. K. Saville.

WARD 5.

Warden.
Dudley Hubbard.

Clerk.
John B. Callendar.

Inspectors.
Mitchell Leavitt,
William H. Hill, Jr.,
Frederick M. Briggs.

W A R D S ,

As divided and established by the Board of Selectmen of the Town of Roxbury, March 26, 1846, [see City Charter, Sect. 3,] and revised by the City Council in 1851.

WARD 1. Beginning on Washington Street, at the division line between Boston and Roxbury ; thence on the easterly side of Washington Street to the Norfolk and Bristol Turnpike ; thence on the easterly side of said turnpike to Dudley Street ; thence on the northerly side of said street to Eustis Street ; thence on the easterly side of Eustis Street to the division line between Roxbury and Dorchester.

WARD 2. Beginning at the Boston and Roxbury line ; thence on the westerly side of Washington to Vernon Street ; thence on the northerly side of Vernon to Ruggles Street ; thence on the easterly and northerly side of Ruggles to Parker Street ; thence crossing Parker Street over the marshes on the northerly side of said street to the creek, which is the dividing line between Brookline and Roxbury.

WARD 3. Beginning at the division line between Roxbury and Brookline on Washington Street ; thence on the northerly side of Washington Street to the junction of Centre and Washington Streets ; thence crossing Washington to Dudley Street ; thence on the northerly side of Dudley Street to the Norfolk and Bristol Turnpike ; thence on the westerly side of said turnpike to Washington Street ; thence on the westerly side of said street to Vernon Street ; thence on the southerly side of Vernon Street to Ruggles Street ; thence crossing Ruggles Street on the westerly and southerly side of said street to Parker Street ; thence crossing Parker Street over the marshes on the southerly side to the creek which divides Roxbury from Brookline, the point where the Second Ward terminates.

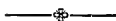
WARD 4. Beginning at the division line between Roxbury and Brookline on Washington Street; thence on the southerly side of Washington to the junction of Centre and Washington Streets; thence crossing to Dudley Street on the southerly side of Dudley Street to the Norfolk and Bristol Turnpike; thence on the westerly side of said turnpike to a stone monument; thence in a straight line to a stone monument near Leonard Hyde's on Centre Street, being the division line between West Roxbury and Roxbury; thence in a direct line to the division line between Brookline, Roxbury and West Roxbury.

WARD 5. Beginning at the Roxbury and Dorchester line on Eustis Street; thence on the westerly side of said street to Dudley Street; thence on the southerly side of said street to Norfolk and Bristol Turnpike; thence on the easterly side of said turnpike to Seaver Street; thence on the northerly side of Seaver Street to Brush Hill Turnpike; thence in a direct line to Dorchester line.

W A R D R O O M S .

- Ward 1. Primary School House, Eustis Street.
“ 2. Vestry Tremont Baptist Church, Ruggles Street.
“ 3. Ward Room, Putnam Street.
“ 4. Engine House, Centre Street.
“ 5. School House, Winthrop Street.

INSTRUCTIONS FOR WARD OFFICERS.



OF COUNTING VOTES.

1. Results of elections, how determined.
2. Same subject.
3. Effect of Plurality Law. To determine whole number of ballots.
4. When an office is to be filled by but one person, &c.
5. When an office is to be filled by more than one person, &c.

6. Whole number of ballots.
7. Same subject.

OF KEEPING WARD RECORDS.

1. Clerk to keep the records.
2. Warrant and return to be copied and certified. Record of meeting. Polls opened. Polls closed. Election in all the Wards. Election in single Ward. Vote declared. Meeting dissolved. Clerk's attestation.

OF COUNTING VOTES.

Results of elections, how determined. Stat. 1856, ch. 157, § 1.

1. In order to determine the result of any election of any civil officer or officers in this Commonwealth, the whole number of persons who voted at such election shall first be ascertained, by counting the whole number of separate ballots given in, and the person or persons who shall receive the highest number of votes shall be deemed and declared to be elected; and in all returns of elections, the whole number of ballots shall be distinctly stated, but blank pieces of paper shall not be counted as ballots.

Same subject. Ibid, § 2.

2. If at any election where more than one civil officer is to be elected to the same office, any two or more candidates shall receive an equal number of votes, being a plurality, by reason whereof the whole number to be elected cannot be completed, the candidates having such equal number of votes shall be deemed not to be elected.

Effect of Plurality law.

3. By the establishing of the plurality law, in all cases, in this Commonwealth, the difficulties which formerly

existed in determining the result of an election have been almost entirely removed. Errors in regard to the whole number of ballots may, however, be made by Ward Officers, and they should be particularly careful in ascertaining it exactly, and recording it correctly, since otherwise the whole number of ballots as returned by them will not agree with the sum of the ballots given for each candidate. They should bear in mind that, although several ballots for different officers may be enclosed in one envelope, or printed upon one ticket, the ballots for each office should be counted separately, as much so as if they were enclosed in separate envelopes, or printed on separate tickets, and deposited in separate boxes.

To determine whole number of ballots.

4. When an office is to be filled by but one person, as Governor, Lieutenant Governor, Register of Deeds, County Treasurer, Mayor, Warden, Ward Clerk, &c., the whole number of ballots may be ascertained, correctly, after counting the votes for each candidate, *by adding together all the votes cast for each candidate for the same office.*

When an office is to be filled by one person, &c.

5. When an office is to be filled by more than one person, as Senators, Representatives, County Commissioners, and Special Commissioners, Aldermen, Common Councilmen, School Committee, and Ward Inspectors, the whole number of ballots for each of those officers should be counted separately, as soon as the box is turned, and before the votes become mixed. Every ballot having upon it one name or more for Senators should be counted as *one ballot for Senators*, and every ballot having upon it one name or more for Aldermen should be counted as *one ballot for Aldermen*, and so on, through the whole list of offices to be filled.

When an office is to be filled by more than one person, &c.

6. The object of the law in ascertaining the whole number of ballots, is to ascertain the whole number of voters who vote for a candidate or candidates for each office, and therefore, if a person votes for only one Representative when he might vote for five on the same bal-

Whole number of ballots.

lot, his vote is to be counted as a ballot in making up the whole number cast for that office. It represents a voter, and is a ballot.

Same subject.

7. But if a person votes for *Representatives only*, that vote should not be counted in making up the whole number for *Senators*, or if a person votes for Mayor and Aldermen, that vote, which is composed of two ballots, should be counted as *one ballot for Mayor and one ballot for Aldermen*, but not as a ballot for Common Councilmen, nor Inspectors of Elections, &c., as frequently happens where the *tickets* are taken as the ballots.

OF KEEPING WARD RECORDS.

Clerk to keep the Records.

1. It is the Clerk's duty to keep the records, and they should be signed by him alone, and not by the Warden and Inspectors.

Warrant and return to be copied and certified.

2. The warrant calling the meeting, and the officer's return thereon, should be first copied on the book, and certified as true copies. The record should then proceed in this form, varied to meet the circumstances of the case :—

Record of meeting.

“ Pursuant to the foregoing warrant, the inhabitants of Ward No. —, qualified to vote as the law directs, assembled at the time and place and for the purposes therein expressed.

Polls opened

“ At — o'clock, A. M., the warrant calling the meeting was read by the Warden, who then called upon the inhabitants of said Ward, qualified by law to vote, to give in their ballots for the purposes expressed in said warrant.

Polls closed.

“ At — o'clock, P. M., the polls were closed, and the whole number of ballots given in having been sorted and counted by the Warden and Inspectors of Elections in the manner provided by law, the result was as follows :—

“ The whole number of ballots for Governor was — ;

A. B. had — ;

C. D. had — ;

“The whole number of ballots for Senators was ———; Election in
 E. F. had ———; all the
 G. H. had ———;” Wards.

(And so on through the whole list. When the election is determined by each Ward alone, as Common Councilmen, Warden, Inspectors, and Ward Clerk, the record should be made thus:)

“The whole number of ballots for Common Council- Election in
 men was ———; single Ward.
 A. B. had ———;
 C. D. had ———;
 E. F. had ———;
 G. H. had ———;

And they are elected.

M. N. had ———;
 O. P. had ———;

(And so on through the list.)

“The state of the ballots, as sorted, counted and re- Vote
 corded as above in open Ward meeting, was declared to declared.
 the meeting by the Warden.

“The meeting was then dissolved.

Meeting
dissolved.

“A true record.

X. Y. Z., *Ward Clerk.*”

Clerk's
attestation.

MODES AND TIMES OF APPOINTMENT

OF THE VARIOUS CITY OFFICERS.

City Clerk—in Convention,	January.
Undertaker—Mayor and Aldermen.	
Chief and Assistant Engineers—in Convention,	April.
Commissioner of Streets—Mayor and Aldermen,	January.
Field Drivers and Hogreeves, Fence Viewers, Pound Keeper, Tythingmen, Sealers of Leather, Measurers of Wood and Bark, Weigher of Hay, Sealer of Weights and Measures, Weighers of Coal—Concurrent vote, first acted upon by the Mayor and Aldermen,	April.
Officer to Complain of Truants—Mayor and Aldermen.	January.
Assessors—in Convention,	April.
City Marshal and Assistants, Police and Watchmen—Mayor and Aldermen,	January.
Constables—Mayor and Aldermen,	April.
City Treasurer—in Convention,	January.
Consulting Physicians—Mayor and Aldermen,	May or June.
City Messenger—Concurrent vote, first elected by the Mayor and Aldermen,	April.
Superintendent of Burial Grounds—Mayor and Aldermen,	April.
City Solicitor—Concurrent vote of both branches of the City Council,	February.
City Physician — Concurrent vote of both branches of the City Council,	May.
Harbor Master—Elected by City Council,	April.

TAXES.

The amount of Taxes assessed on the Real and Personal Estates in the City of Roxbury, from 1846 :

1846.

Valuation of Real and Personal Estates, .	\$12,543,900.00
At \$5.00 per \$1,000, is	\$62,719.50
No. of Polls 3,668, at \$1.50 each, is . . .	5,502.00
Total Tax for 1846,	\$68,221.50

1847.

Valuation of Real and Personal Estates, .	\$12,628,300.00
At \$5.70 per \$1,000, is	\$71,981.31
No. of Polls 3,806, at \$1.50 each, is . . .	5,709.00
Total Tax for 1847,	\$77,690.31

1848.

Valuation of Real and Personal Estates, .	\$13,174,600.00
At \$5.70 per \$1,000, is	\$75,095.22
No. of Polls 3,999, at \$1.50 each, is . . .	5,998.50
Total Tax for 1848,	\$81,093.72

1849.

Valuation of Real and Personal Estates, .	\$13,476,600.00
At \$6.20 per \$1,000, is	\$83,554.92
No. of Polls 3,982, at \$1.50 each, is . . .	5,973.00
Total Tax for 1849,	\$89,527.92

1 8 5 0 .

Valuation of Real Estate,	\$9,560,800.00
Valuation of Personal Estate,	4,152,000.00
	<hr/>
	\$13,712,800.00
	<hr/>
At \$6.20 per \$1,000, is	\$85,019.36
No. of Polls 4,125, at \$1.50 each, is . .	6,187.50
	<hr/>
Total Tax for 1850,	\$91,206.86

1 8 5 1 .*

Valuation of Real Estate,	\$9,649,600.00
Valuation of Personal Estate,	4,283,600.00
	<hr/>
	\$13,933,200.00
	<hr/>
At \$6.60 per \$1,000, is	\$91,959.12
No. of Polls 4,223, at \$1.50 each, is . .	6,334.50
	<hr/>
Total Tax for 1851,	\$98,293.62

1 8 5 2 .

Valuation of Real Estate,	\$8,786,400.00
Valuation of Personal Estate,	3,148,800.00
	<hr/>
	\$11,935,200.00
	<hr/>
At \$6.40 per \$1,000, is	\$76,385.28
No. of Polls 3,440, at \$1.50 each, is . .	5,160.00
	<hr/>
Total Tax for 1852,	\$81,545.28

* West Roxbury set off this year. Valuation of whole included.

1853.

Valuation of Real Estate,	\$9,070,800.00
Valuation of Personal Estate,	3,361,800.00
	<hr/>
	\$12,432,600.00
	<hr/>
At \$7.70 per \$1,000, is	\$96,974.28
No. of Polls 3,623, at \$1.50 each, is . .	5,434.50
	<hr/>
Total Tax for 1853,	\$102,408.78

1854.

Valuation of Real Estate,	\$9,472,400.00
Valuation of Personal Estate,	3,896,800.00
	<hr/>
	\$13,369,200.00
	<hr/>
At \$7.80 per \$1,000, is	\$104,279.76
No. of Polls 3,833, at \$1.50 each, is . .	5,749.50
	<hr/>
Total Tax for 1854,	\$110,029.26

1855.

Valuation of Real Estate,	\$10,714,800.00
Valuation of Personal Estate,	4,862,400.00
	<hr/>
	\$15,577,200.00
	<hr/>
At \$7.80 per \$1,000, is	\$121,502.16
No. of Polls 3,804, at \$1.50 each, is . .	5,706.00
	<hr/>
Total Tax for 1855,	\$127,208.16

1 8 5 6 .

Valuation of Real Estate,	\$11,594,400.00
Valuation of Personal Estate,	5,066,000.00
	<hr/>
	\$16,660,400.00
	<hr/>
At \$9.00 per \$1,000, is	\$149,943.60
No. of Polls 4,118, at \$1.50 each, is	6,177.00
	<hr/>
Total Tax for 1856,	\$156,120.60

—

1 8 5 7 .

Valuation of Real Estate,	\$11,923,600.00
Valuation of Personal Estate,	5,403,400.00
	<hr/>
	\$17,327.000.00
	<hr/>
At \$10.00 per \$1,000, is	\$173,270.00
No. of Polls 4,152, at \$1.50 each, is	6,228.00
	<hr/>
Total Tax for 1857,	\$179,498.00

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1 8 5 8 .

Valuation of Real Estate,	\$12,404,000.00
Valuation of Personal Estate,	5,064,800.00
	<hr/>
	\$17,468,800.00
	<hr/>
At \$9.50 per \$1,000, is	\$165,953.60
No. of Polls 4,316, at \$1.71 each, is	7,380.36
	<hr/>
Total Tax for 1858,	\$173,333.96

1859.

Valuation of Real Estate,	\$14,578,800.00
Valuation of Personal Estate,	5,147,400.00
	<hr/>
	\$19,726,200.00
At \$9.20 per \$1,000, is	\$181,481.04
No. of Polls 4,592, at \$1.50 each, is . .	5,188.00
	<hr/>
Total Tax for 1859,	\$188,369.04

1860.

Valuation of Real Estate,	\$15,302,600.00
Valuation of Personal Estate,	5,246,200.00
	<hr/>
	\$20,548,800.00
At \$10.00 per \$1,000, is	\$205,488.00
No. of Polls 5,099, at \$1.50 each, is . .	7,648.50
	<hr/>
Total Tax for 1860,	\$213,136.50

1861.

Valuation of Real Estate,	\$15,666,400.00
Valuation of Personal Estate,	5,185,800.00
	<hr/>
	\$20,852,200.00
At \$10.00 per \$1,000, is	\$208,522.00
No. of Polls 5,080, at \$1.50 each, is . .	7,620.00
	<hr/>
Total Tax for 1861,	\$216,142.00

CITY DEBT FOR THE SEVERAL YEARS SINCE THE INCORPORATION OF THE CITY.

1846	.	.	February 1st,	.	.	\$22,776.75
1847	.	.	" "	.	.	27,609.98
1848	.	.	" "	.	.	29,443.31
1849	.	.	" "	.	.	39,973.65
1850	.	.	" "	.	.	56,976.65
1851	.	.	" "	.	.	48,476.65
1852	.	.	" "	.	.	140,387.05
1853	.	.	" "	.	.	186,810.40
1854	.	.	" "	.	.	181,110.40
1855	.	.	" "	.	.	209,263.95
1856	.	.	" "	.	.	254,865.95
1857	.	.	" "	.	.	246,040.95
1858	.	.	" "	.	.	257,340.95
1859	.	.	" "	.	.	280,240.95
1860	.	.	" "	.	.	410,975.00
1861	.	.	" "	.	.	613,490.00
1862	.	.	" "	.	.	721,215.00

AMOUNT PAID FOR SCHOOLS, INCLUDING THE BUILDING AND REPAIR OF SCHOOL HOUSES.

Year.	Teachers' Pay, Fuel, and Contingencies.	New School Houses.	Total.
1846	\$17,104.01	\$8,887.96	\$27,991.97
1847	20,555.23	7,953.37	28,508.60
1848	24,422.69	20,916.54	45,338.13
1849	25,480.80	4,198.59	29,578.39
1850	26,177.86	3,660.55	29,738.41
1851	21,976.32	15,013.31	36,989.63
1852	24,709.61	7,949.24	32,658.85
1853	26,391.51	3,899.12	30,290.63
1854	30,284.69	26,802.92	57,087.61
1855	22,616.68	6,239.07	38,855.75
1856	36,266.58	5,309.16	41,575.74
1857	39,223.53	10,851.46	50,074.99
1858	38,670.81	9,679.65	48,350.46
1859	43,386.44	19,347.31	62,733.75
1860	49,010.68	36,542.78	85,553.46
1861	48,507.52		48,507.52

AMOUNT PAID FOR SUPPORT OF POOR—NET COST.

Year.			Average No. Inmates.	Whole No. admitted.	Net Cost.
1846	.	.	120	410	\$5,586.15
1847	.	.	187	762	9,751.95
1848	.	.	242	710	6,052.40
1849	.	.	216	627	9,207.40
1850	.	.	240	628	8,229.08
1851	.	.	227	630	8,478.96
1852	.	.	185	507	6,737.49
1853	.	.	155	356	7,227.14
1854	.	.	52	292	7,776.21
1855	.	.	25	90	4,543.92
1856	.	.	25	112	5,491.64
1857	.	.	25	228	6,064.50
1858	.	.	25	407	5,547.72
1859	.	.	30	363	7,525.36
1860	.	.	36	344	9,694.19
1861	.	.	45	547	8,829.16

NOTE. The amount given as the net cost of the respective years, is not strictly correct in every instance, as the Accounts against the Commonwealth have in some instances been disallowed by the State Auditor, and a part of them subsequently allowed by the Legislature.

AMOUNT PAID FOR SUPPORT OF FIRE DEPARTMENT, PAY OF MEMBERS, BUILDING ENGINES, HOUSES, AND REPAIR THEREOF.

Year.			Reservoirs.	Fire Department.	Total.
1846	.	.	\$1,299.00	\$5,941.12	\$7,240.12
1847	.	.	2,090.00	6,635.79	8,725.29
1848	.	.	1,993.81	5,493.06	7,468.87
1849	.	.	1,271.47	5,869.14	7,140.61
1850	.	.	912.44	5,407.76	6,320.20
1851	.	.		6,618.99	6,618.99
1852	.	.	670.77	7,634.54	8,305.31
1853	.	.	1,747.33	8,232.33	9,979.66
1854	.	.		8,681.84	8,681.84
1855	.	.	1,593.49	10,655.08	12,248.57
1856	.	.	258.56	12,203.13	12,461.69
1857	.	.	3,014.20	12,597.64	15,611.84
1858	.	.	43.97	19,123.46	19,167.43
1859	.	.	1,700.00	16,530.78	18,230.78
1860	.	.	1,355.32	21,800.31	23,155.63
1861	.	.	2,502.16	15,367.72	17,869.68

AMOUNT PAID FOR REPAIRS OF HIGHWAYS.

1846	.	.	.	.	.	\$7,750.83
1847	.	.	.	.	.	9,853.38
1848	.	.	.	.	.	10,029.93
1849	.	.	.	.	.	12,015.06
1850	.	.	.	.	.	12,129.46
1851	.	.	.	.	.	9,698.58
1852	.	.	.	.	.	19,364.30
1853	.	.	.	.	.	15,537.45
1854	.	.	.	.	.	18,608.96
1855	.	.	.	.	.	29,080.96
1856	.	.	.	.	.	20,370.12
1857	.	.	.	.	.	27,178.06
1858	.	.	.	.	.	21,089.60
1859	.	.	.	.	.	38,493.13
1860	.	.	.	.	.	66,489.43
1861	.	.	.	.	.	65,823.50

AMOUNT PAID FOR POLICE AND WATCH.

1846	.	.	.	.	.	\$2,363.96
1847	.	.	.	.	.	3,965.65
1848	.	.	.	.	.	4,408.41
1849	.	.	.	.	.	5,004.08
1850	.	.	.	.	.	4,075.89
1851	.	.	.	.	.	3,427.27
1852	.	.	.	.	.	4,271.30
1853	.	.	.	.	.	4,419.75
1854	.	.	.	.	.	5,370.68
1855	.	.	.	.	.	7,817.60
1856	.	.	.	.	.	9,290.88
1857	.	.	.	.	.	13,052.45
1858	.	.	.	.	.	13,746.89
1859	.	.	.	.	.	16,502.55
1860	.	.	.	.	.	16,723.15
1861	.	.	.	.	.	15,396.69

AMOUNT PAID FOR SQUARES AND SEWERS.

1861-2, Squares, (grading, &c.,)	\$ 9,243.48
1861-2, Sewers,	16,944.64

AMOUNT PAID FOR LAMPS.

1846	.	.	.	.	.	\$849.06
1847	.	.	.	.	.	935.94
1848	.	.	.	.	.	899.01
1849	.	.	.	.	.	1,094.75
1850	.	.	.	.	.	1,221.18
1851	.	.	.	.	.	1,362.63
1852	.	.	.	.	.	2,431.47
1853	.	.	.	.	.	3,243.14
1854	.	.	.	.	.	2,592.75
1855	.	.	.	.	.	11,469.66
1856	.	.	.	.	.	8,551.78
1857	.	.	.	.	.	12,105.71
1858	.	.	.	.	.	11,281.08
1859	.	.	.	.	.	10,517.58
1860	.	.	.	.	.	11,378.78
1861	.	.	.	.	.	13,656.55

POPULATION OF ROXBURY AT DIFFERENT PERIODS.

1765	.	.	.	.	.	.	1,487
1790	.	.	.	.	.	.	2,226
1800	.	.	.	.	.	.	2,765
1810	.	.	.	.	.	.	3,669
1820	.	.	.	.	.	.	4,135
1830	.	.	.	.	.	.	5,247
1840	.	.	.	.	.	.	9,087
1850*	.	.	.	.	.	.	18,316
1855	.	.	.	.	.	.	18,477
1860	.	.	.	.	.	.	25,138

* Including West Roxbury.

VALUATION OF ESTATES, AND NUMBER OF POLLS IN
ROXBURY, FROM 1836 to 1861.

1836	.	.	.	.	\$5,582,400	1,883
1837	.	.	.	.	5,875,000	2,114
1838	.	.	.	.	5,979,900	2,047
1839	.	.	.	.	6,438,600	2,129
1840	.	.	.	.	6,721,000	2,300
1841	.	.	.	.	6,941,600	2,474
1842	.	.	.	.	7,341,600	2,570
1843	.	.	.	.	7,710,000	2,554
1844	.	.	.	.	8,578,600	2,977
1845	.	.	.	.	9,569,800	3,433
1846	.	.	.	.	12,543,900	3,668
1847	.	.	.	.	12,628,300	3,806
1848	.	.	.	.	13,174,600	3,999
1849	.	.	.	.	13,476,600	3,982
1850	.	.	.	.	13,712,800	4,125
1851*	.	.	.	.	13,933,200	4,223
1852	.	.	.	.	11,935,200	3,440
1853	.	.	.	.	12,432,600	3,623
1854	.	.	.	.	13,369,200	3,833
1855	.	.	.	.	15,577,200	3,804
1856	.	.	.	.	16,660,400	4,118
1857	.	.	.	.	17,327,000	4,152
1858	.	.	.	.	17,468,800	4,316
1859	.	.	.	.	19,726,200	4,592
1860	.	.	.	.	20,548,800	5,099
1861	.	.	.	.	20,852,000	5,080

* West Roxbury set off, 1851.

CATALOGUE

OF THE

Government of the City of Roxbury,

FROM ITS

INSTITUTION IN 1846 TO 1862.

1846.

MAYOR.

JOHN JONES CLARKE.

ALDERMEN.

Elijah Lewis,
Dudley Williams,
Laban S. Beecher,
Moses Day,

Samuel Walker,
Samuel Jackson,
Francis C. Head,
William Keith.

COMMON COUNCIL.

FRANCIS G. SHAW, *President*.

WARD 1.

Daniel Jackson,
Sylvester Bowman,
William D. Seaver.

WARD 2.

Abraham G. Parker,
George S. Griggs,
Esdras Lord.

WARD 3.

William J. Reynolds,
William G. Eaton,
John L. De Wolf.

WARD 4.

Alvah Kittredge,
Joseph N. Brewer,
James Guild.

WARD 5.

Linus B. Comins,
Stephen Hammond,
Samuel Weld.

WARD 6.

George James,
Joseph R. Weld,
Calvin Young.

WARD 7.

John Dove,
Anson Dexter,
Theodore Dunn.

WARD 8.

Francis G. Shaw,
George W. Mann,
Ebenezer Dudley.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

1847.

MAYOR.

HENRY ALEXANDER SCAMMEL DEARBORN.

ALDERMEN.

Elijah Lewis,
William Keith,
Richard Ward,
Calvin Young,

Francis C. Head,
Robert Gardner,
William B. Kingsbury,
Nelson Curtis.

COMMON COUNCIL.

LINUS B. COMINS, *President*.

WARD 1.

Daniel Jackson,
Sylvester Bowman,
Simeon Litchfield.

WARD 2.

A. G. Parker,
George S. Griggs,
Esdras Lord.

WARD 3.

Wm. J. Reynolds,
W. G. Eaton,
W. A. Crafts.

WARD 4.

Alvah Kittredge,
J. N. Brewer,
Nathaniel Mayhew.

WARD 5.

Linus B. Comins,
Samuel Weld,
Thomas Lord.

WARD 6.

George James,
Franklin Fearing,
George H. Williams.

WARD 7.

John Dove,
Anson Dexter,
James E. Forbush.

WARD 8.

Ebenezer Dudley,
Chauncy Jordan,
George Brown.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

1848.

MAYOR.

HENRY ALEXANDER SCAMMEL DEARBORN.

ALDERMEN.

Francis C. Head,
William Keith,
Robert Gardner,
Richard Ward,

William B. Kingsbury,
Calvin Young,
B. F. Campbell,
Samuel P. Blake.

COMMON COUNCIL.

LINUS B. COMINS, *President.*

WARD 1.

Daniel Jackson,
Simeon Litchfield,
Ebenezer Chamberlain.

WARD 2.

A. G. Parker,
George S. Griggs,
Esdras Lord.

WARD 3.

William J. Reynolds,
William G. Eaton,
William A. Crafts.

WARD 4.

Alvah Kittredge,
Joseph N. Brewer,
Nathaniel Mayhew.

WARD 5.

Linus B. Comins,
Stephen Hammond,
Samuel Walker.

WARD 6.

Franklin Fearing,
Atkins A. Clark,
Enoch Nute.

WARD 7.

Theodore Dunn,
Stephen M. Allen,
E. W. Stone.

WARD 8.

Chauncy Jordan,
George Brown,
Benjamin Guild.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

1849.

MAYOR.

HENRY ALEXANDER SCAMMEL DEARBORN.

ALDERMEN.

Francis C. Head,
Richard Ward,
W. B. Kingsbury,
Calvin Young,

Nelson Curtis,
John L. Plummer,
William Mackintosh,
Daniel Jackson.

COMMON COUNCIL.

WILLIAM A. CRAFTS, *President*.

WARD 1.

Sylvester Bowman,
Allen Putnam,
James Monroe.

WARD 2.

Thatcher Sweat,
Uriah T. Brownell,
William Seaver.

WARD 3.

William J. Reynolds,
William A. Crafts,
William Gaston.

WARD 4.

Alvah Kittredge,
J. N. Brewer,
Nathaniel Mayhew.

WARD 5.

Stephen Hammond,
Samuel Walker,
A. D. Williams, Jr.

WARD 6.

Atkins A. Clark,
John F. J. Mayo,
Jonas Barnard.

WARD 7.

Stephen M. Allen,
Ebenezer W. Stone,
E. W. Bouvé.

WARD 8.

Chauncy Jordan,
George Brown,
Charles G. Mackintosh.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

1850.

MAYOR.

HENRY ALEXANDER SCAMMEL DEARBORN.

ALDERMEN.

Francis C. Head,
Richard Ward,
William B. Kingsbury,
Calvin Young,

Nelson Curtis,
John L. Plummer,
William Mackintosh,
Daniel Jackson.

COMMON COUNCIL.

WILLIAM A. CRAFTS, *President*.

WARD 1.

Allen Putnam,
James Monroe,
*Sylvester Bowman.

WARD 2.

Thatcher Sweat,
William Seaver,
Uriah T. Brownell.

WARD 3.

William J. Reynolds,
William A. Crafts,
William Gaston.

WARD 4.

Alvah Kittredge,
J. N. Brewer,
Nathaniel Mayhew.

WARD 5.

A. D. Williams, Jr.,
Hiram Hall,
Robert W. Parker.

WARD 6.

Jonas Barnard,
Hosea B. Stiles,
John F. J. Mayo.

WARD 7.

Theodore Dunn,
Stephen M. Allen,
Jacob P. George.

WARD 8.

Chauncy Jordan,
George Brown,
Charles G. Mackintosh.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

* Resigned, and John Parker was elected to fill vacancy.

1851.

MAYOR.

*HENRY ALEXANDER SCAMMEL DEARBORN.

ALDERMEN.

Francis C. Head,
Richard Ward,
Calvin Young,
John L. Plummer,

George Curtis,
Hiram Hall,
Theodore Dunn,
George Brown.

COMMON COUNCIL.

WILLIAM A. CRAFTS, *President*.

WARD 1.

Daniel P. Upton,
John R. Howard,
Reuben Winslow.

WARD 2.

Thatcher Sweat,
Uriah T. Brownell,
William Seaver.

WARD 3.

William A. Crafts,
William Gaston,
Joseph Crawshaw.

WARD 4.

Alvah Kittredge,
Joseph N. Brewer,
George Davenport.

WARD 5.

Aaron D. Williams, Jr.,
Horace Williams,
Samuel Walker.

WARD 6.

Hosea B. Stiles,
William H. Gray,
John Richardson.

WARD 7.

Jacob P. George,
John C. Pratt,
William D. Ticknor.

WARD 8.

Charles G. Mackintosh,
Cornelius Cowing,
James W. Wason.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

* Died July 29, 1851, at Portland, Me. Samuel Walker elected by the City Council to fill the vacancy.

1852.

MAYOR.

SAMUEL WALKER.

ALDERMEN.

Nelson Curtis,
Benjamin F. Campbell,
George Curtis,
Abraham G. Parker,

Alvah Kittredge,
Horace Williams,
James Guild,
John Hunt.

COMMON COUNCIL.

WILLIAM GASTON, *President*.

WARD 1.

Simeon Litchfield,
John Parker,
Daniel P. Upton,
George J. Lord.

WARD 2.

John M. Hewes,
Ariel I. Cummings,
Joseph Houghton,
Wilder Beal.

WARD 3.

William Gaston,
True Russell,
John W. Parker,
Calvin B. Faunce.

WARD 4.

George Lewis,
Joseph N. Brewer,
Frederick Guild,
George Davenport.

WARD 5.

Charles Hickling,
William S. Leland,

William D. Adams,
Isaac S. Burrell.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

1853.

MAYOR.

SAMUEL WALKER.

ALDERMEN.

Nelson Curtis,
Benjamin F. Campbell,
George Curtis,
Abraham G. Parker,

Alvah Kittredge,
Horace Williams,
John S. Sleeper,
Charles Hickling.

COMMON COUNCIL.

WILLIAM GASTON, *President*.

WARD 1.

Daniel P. Upton,
George J. Lord,
Franklin Williams,
Joseph H. Chadwick.

WARD 2.

John M. Hewes,
Joseph Houghton,
Phineas Colburn,
Ariel I. Cummings.

WARD 3.

William Gaston,
John W. Parker,
Calvin B. Faunce,
William L. Hall.

WARD 4.

Joseph N. Brewer,
George Lewis,
Charles F. Bray,
Henry Davenport.

WARD 5.

William S. Leland,
William D. Adams,

Isaac S. Burrell,
William B. May.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

1854.

MAYOR.

LINUS BACON COMINS.

ALDERMEN.

Nelson Curtis,
George Curtis,
Joseph N. Brewer,
Charles Hickling,

George J. Lord,
Robert W. Ames,
Calvin B. Faunce,
Benjamin Perkins.

COMMON COUNCIL.

JAMES M. KEITH, *President*.

WARD 1.

Franklin Williams,
Joseph H. Chadwick,
Joseph G. Torrey,
Thomas Farmer.

WARD 3.

Charles B. Bryant,
Horace King,
Obed Rand,
Alden Graham.

WARD 2.

John M. Hewes,
Joseph Houghton,
Phineas Colburn,
Henry Basford.

WARD 4.

Henry Davenport,
Joseph B. Wheelock,
George G. Tuxbury,
John R. Hall.

WARD 5.

William D. Adams,
William B. May,

Walden Porter,
James M. Keith.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

1855.

MAYOR.

JAMES RITCHIE.

ALDERMEN.

Calvin B. Faunce,
Charles Bunker,
Samuel S. Chase,
Joseph Houghton,

Asa Wyman,
Moses H. Webber,
Francis Gardner,
William D. Adams.

COMMON COUNCIL.

WILLIAM ELLISON, *President.*

WARD 1.

Franklin Williams,
William Morse,
George H. Pike,
Asa Wyman, Jr.

WARD 2.

John M. Marston,
Alvin M. Robbins,
William H. Palmer,
Benjamin S. Noyes.

WARD 3.

Robert Simpson,
Robert W. Molineux,
William R. Huston,
Joseph H. Swain.

WARD 4.

Samuel A. Shurtleff,
William Ellison,
Ebenezer W. Bumstead,
Clark I. Gorham.

WARD 5.

Henry P. Shed,
Joseph W. Robbins,

John W. Wolcott,
James W. Cushing.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

1856.

MAYOR.

JOHN SHERBURNE SLEEPER.

ALDERMEN.

Nelson Curtis,
Benjamin Thompson,
Charles E. Grant,
Joseph G. Torrey,

George S. Griggs,
Nahum Ward,
Jonathan P. Robinson,
Charles C. Nichols.

COMMON COUNCIL.

JOHN W. MAY, *President*.

WARD 1.

Franklin Williams,
William Morse,
George H. Pike,
Samuel Pearson, Jr.

WARD 2.

Phineas Colburn,
Timothy R. Nute,
William P. Fowle,
Thomas L. D. Perkins.

WARD 3.

John W. May,
John E. Gowen,
William F. Dunning,
Samuel Little.

WARD 4.

Ebenezer W. Bumstead,
Samuel A. Shurtleff,
Daniel W. Glidden,
Alonzo W. Folsom.

WARD 5.

James W. Cushing,
Robert C. Nichols,

John T. Ellis,
William K. Lewis.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

1857.

MAYOR.

JOHN SHERBURNE SLEEPER.

ALDERMEN.

Benjamin Thompson,
Charles E. Grant,
George S. Griggs,
Charles C. Nichols,

Walden Porter,
Joseph H. Chadwick,
Henry Willis,
George Lewis.

COMMON COUNCIL.

HENRY P. SHED, *President*.

WARD 1.

Franklin Williams,
William Morse,
Albert Brewer,
George J. Lord.

WARD 2.

Alvin M. Robbins,
William P. Fowle,
Thomas L. D. Perkins,
Phineas Colburn.

WARD 3.

John W. May,
Alfred G. Hall,
Samuel Little,
John Bowdlear.

WARD 4.

John R. Hall,
Samuel A. Shurtleff,
William Graham,
James A. Tower.

WARD 5.

Henry P. Shed,
Robert C. Nichols,

William Barton,
William K. Lewis.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

1858.

MAYOR.

JOHN SHERBURNE SLEEPER.

ALDERMEN.

George Lewis,
William S. Leland,
John C. Clapp,
Samuel Pearson,

Benjamin S. Noyes,
Uriah T. Brownell,
Samuel A. Shurtleff,
Ivory Harmon.

COMMON COUNCIL.

HENRY P. SHED, *President*.

WARD 1.

William Morse,
Albert Brewer,
Ebenezer Ryerson,
Chester M. Gay.

WARD 3.

Alfred G. Hall,
Patrick H. Rogers,
Thomas J. Mayall,
John M. Way.

WARD 2.

William P. Fowle,
Gideon B. Richmond,
Thatcher F. Sweat,
Albert Batchelder.

WARD 4.

John R. Hall,
William Graham,
James A. Tower,
Hartley E. Woodbridge.

WARD 5.

Henry P. Shed,
Robert C. Nichols,

Ebenezer W. Bumstead,
William Barton.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Franklin Williams.

1859.

MAYOR.

THEODORE OTIS.

ALDERMEN.

George Lewis,
William B. May,
Joshua B. Fowle,
William Curtis,

Benjamin S. Noyes,
John C. Clapp,
Alonzo W. Folsom,
George Frost.

COMMON COUNCIL.

EBENEZER W. BUMSTEAD, *President*.

WARD 1.

William Morse,
Allen Putnam,
Benjamin F. Campbell,
Asa Wyman.

WARD 3.

Alfred G. Hall,
Patrick H. Rogers,
William H. Ward,
Malcom McLaughlin.

WARD 2.

Gideon B. Richmond,
Albert Batchelder,
John M. Marston,
Thacher F. Sweat.

WARD 4.

John R. Hall,
Hartley E. Woodbridge,
John H. Bufford,
Francis Freeman.

WARD 5.

Ebenezer W. Bumstead,
Thomas Farmer,

John T. Ellis,
John Dove.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Franklin Williams.

1860.

MAYOR.

THEODORE OTIS.

ALDERMEN.

William B. May,
Joshua B. Fowle,
Jerahmeel C. Pratt,
William Curtis,

Gideon B. Richmond,
John C. Clapp,
Alonzo W. Folsom,
George Frost.

COMMON COUNCIL.

EBENEZER W. BUMSTEAD, *President*.

WARD 1.

Benjamin F. Campbell,
Asa Wyman,
L. Foster Morse,
Charles Stanwood.

WARD 2.

Thacher F. Sweat,
John M. Marston,
Albert Batchelder,
Edward Lang, Jr.

WARD 3.

George B. Faunce,
Patrick R. Guiney,
William H. Ward,
Malcom McLaughlin.

WARD 4.

Hartley E. Woodbridge,
Phineas B. Smith,
Moses H. Day,
Frederick A. Brown.

WARD 5.

Ebenezer W. Bumstead,
Charles D. Swain,

Oliver J. Curtis,
William H. McIntosh.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Franklin Williams.

1861.

MAYOR.

WILLIAM GASTON.

ALDERMEN.

Samuel Little,
Isaac S. Burrell,
Jerahmeel C. Pratt,
Charles Stanwood,

Gideon B. Richmond,
Robert Hale,
Samuel C. Cobb,
Oliver J. Curtis.

COMMON COUNCIL.

GEORGE B. FAUNCE, *President*.

WARD 1.

L. Foster Morse,
Lewis F. Whiting,
Patrick E. Reed,
Thomas C. Norton.

WARD 2.

Thacher F. Sweat,
James T. Buswell,
Alvin M. Robbins,
John Stanton.

WARD 3.

George B. Faunce,
Malcom McLaughlin,
John McElroy,
True Russell.

WARD 4.

Henry P. Shed,
Moses H. Day,
Roland Worthington,
Edward Wise.

WARD 5.

Charles D. Swain,
William H. McIntosh,

David J. Foster,
John F. Newton.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

1862.

MAYOR.

WILLIAM GASTON.

ALDERMEN.

Samuel Little,
 Samuel C. Cobb,
 Ivory Harmon,*
 Charles Stanwood,

Gideon B. Richmond,
 William R. Huston,
 Phineas B. Smith,
 John H. Lester.

COMMON COUNCIL.

MOSES H. DAY, *President*.

WARD 1.

L. Foster Morse,
 Lewis F. Whiting,
 Michael W. Dolan,
 Thomas C. Norton.

WARD 2.

Alvin M. Robbins,
 Thomas P. Sweat,
 Square G. Brooks,
 George Onion.

WARD 3.

John McElroy,
 Stephen H. Williams,
 Gottlieb F. Burkhardt,
 William Whitney.

WARD 4.

Henry P. Shed,
 Moses H. Day,
 Roland Worthington,
 George Putnam, Jr.

WARD 5.

Charles D. Swain,
 Franklin Curtis,†

David J. Foster,
 John F. Newton.

TREASURER.

Joseph W. Dudley.

CITY CLERK.

Joseph W. Tucker.

CLERK OF COMMON COUNCIL.

Joshua Seaver.

* Chosen in place of Ariel Low, resigned.

† In place of Wm. H. McIntosh, resigned.

HISTORICAL LIST OF MEMBERS,

SINCE THE ADOPTION OF THE CITY CHARTER.

MAYORS.

John Jones Clarke, 1846.
Henry Alexander Scammel Dearborn, 1847, 48, 49, 50, 51.*
Samuel Walker, 1852, 53.
Linus Bacon Comins, 1854.
James Ritchie, 1855.
John Sherburne Sleeper, 1856, 57, 58.
Theodore Otis, 1859, 60.
William Gaston, 1861, 62.

ALDERMEN.

Elijah Lewis, 1846, 47.
Dudley Williams, 1846.
Laban Smith Beecher, 1846.
Moses Day, 1846.
Samuel Walker, 1846.
Samuel Jackson, 1846.
Francis Chandler Head, 1846, 47, 48, 49, 50, 51.
William Keith, 1846, 47, 48.
Robert Gardner, 1847, 48.
Richard Ward, 1847, 48, 49, 50, 51.
William Bradbury Kingsbury, 1847, 48, 49, 50.
Calvin Young, 1847, 48, 49, 50, 51.
Nelson Curtis, 1847, 49, 50, 52, 53, 54, 56.
Benjamin Franklin Campbell, 1848, 52, 53.
Samuel Parkman Blake, 1848.
Daniel Jackson, 1849, 50, 51.
John Lincoln Plummer, 1849, 50, 51.
William Maekintosh, 1849, 50.
George Curtis, 1851, 52, 53, 54.
Hiram Hall, 1851.
Theodore Dunn, 1851.
George Brown, 1851,
Abraham Gearfield Parker, 1852, 53.
Alvah Kittredge, 1852, 53.
Horace Williams, 1852, 53.
James Guild, 1852.

* Died July 29th, 1851, at Portland Me. Samuel Walker was elected by the two branches of the City Council, August 11th, to fill the vacancy.

John Hunt, 1852.
 John Sherburne Sleeper, 1853.
 Charles Hickling, 1853, 54.
 Joseph Nathaniel Brewer, 1854.
 George Jefferts Lord, 1854.
 Robert Wilkins Ames, 1854.
 Calvin Barstow Faunce, 1854, 55.
 Benjamin Perkins, 1854.
 Charles Bunker, 1855.
 Samuel Sinclair Chase, 1855.
 Joseph Houghton, 1855.
 Asa Wyman, 1855.
 Moses Howe Webber, 1855.
 Francis Gardner, 1855.
 William Davis Adams, 1855.
 Benjamin Thompson, 1856, 57.
 Charles Edward Grant, 1856, 57.
 Joseph Gendell Torrey, 1856.
 George Smith Griggs, 1856, 57.
 Nahum Ward, 1856.
 Jonathan Pratt Robinson, 1856.
 Charles Carter Nichols, 1856, 57.
 Walden Porter, 1857.
 Joseph Houghton Chadwick, 1857.
 Henry Willis, 1857.
 George Lewis, 1857, 58, 59.
 William Sherman Leland, 1858.
 John Codman Clapp, 1858, 59, 60.
 Samuel Pearson, 1858.
 Benjamin Simons Noyes, 1858, 59.
 Uriah Tompkins Brownell, 1858.
 Samuel Atwood Shurtleff, 1858.
 Ivory Harmon, 1858, 62.
 William Bird May, 1859, 60.
 Joshua Bentley Fowle, 1859, 60.
 William Curtis, 1859, 60.
 Alonzo Williams Folsom, 1859, 60.
 George Frost, 1859, 60.
 Jerahmeel Cummings Pratt, 1860, 61.
 Gideon Babbitt Richmond, 1860, 61, 62.
 Samuel Little, 1861, 62.
 Oliver Jenkins Curtis, 1861.
 Isaac Sanderson Burrell, 1861.
 Charles Stanwood, 1861, 62.
 Robert Hale, 1861.
 Samuel Crocker Cobb, 1861, 62.
 William Ricker Huston, 1862.
 Phineas Bean Smith, 1862.
 John Henry Lester, 1862.
 Ariel Low, 1862.*

PRESIDENTS OF THE COMMON COUNCIL.

Francis George Shaw, 1846.
 Linus Bacon Comins, 1847, 48.
 William Augustus Crafts, 1849, 50, 51.
 William Gaston, 1852, 53.
 James Monroe Keith, 1854.

* Resigned, and Ivory Harmon was chosen to fill the vacancy.

William Ellison, 1855.
 John Wilder May, 1856.
 Henry Pinkham Shed, 1857, 58.
 Ebenezer Waters Bumstead, 1859, 60.
 George Burrill Faunce, 1861.
 Moses Henry Day, 1862.

COMMON COUNCIL.

WARD 1.

Daniel Jackson, 1846, 47, 48.
 Sylvester Bowman, 1846, 47, 49, 50.
 William Dudley Seaver, 1846.
 Simeon Litchfield, 1847, 48, 52.
 Ebenezer Chamberlain, 1848.
 Allen Putnam, 1849, 50, 59.
 James Munroe, 1849, 50.*
 John Parker, 1850, 51, 52.
 Daniel Putnam Upton, 1851, 52, 53.
 Renben Winslow, 1851.
 John Reed Howard, 1851.*
 George Jefferds Lord, 1852, 53, 57.
 Franklin Williams, 1853, 54, 55, 56, 57.
 Joseph Houghton Chadwick, 1853, 54.
 Joseph Gendell Torrey, 1854.
 Thomas Farmer, 1854.
 William Morse, 1855, 56, 57, 58, 59.
 George Harris Pike, 1855, 56.
 Asa Wyman, Jr., 1855.
 Samuel Pearson, Jr., 1856.
 Albert Brewer, 1857, 58.
 Ebenezer, Ryerson, 1858.
 Joel Gay, 1858.†
 Chester Morse Gay, 1858.
 Benjamin Franklin Campbell, 1859, 60.
 Asa Wyman, 1859, 60.
 Lemuel Foster Morse, 1860, 61, 62.
 Charles Stanwood, 1860.
 Lewis Fales Whiting, 1861, 62.
 Patrick Edward Reed, 1861.
 Thomas C. Norton, 1861, 62.
 Michael William Dolan, 1862.

WARD 2.

Abraham Gearfield Parker, 1846, 47, 48.
 George Smith Griggs, 1846, 47, 48.
 Esdras Lord, 1846, 47, 48.
 Thateher Sweat, 1849, 50, 51.
 Uriah Tompkins Brownell, 1849, 50, 51.
 William Seaver, 1849, 50, 51.
 John Milton Hewes, 1852, 53, 54.
 Arial Ivers Cummings, 1852, 53.

* Resigned, and John Parker was elected to fill the vacancy.

† Resigned May 17th, 1858, and William Morse was elected to fill the vacancy.

Joseph Houghton, 1852, 53, 54.
Wilder Beal, 1852.
Phineas Colburn, 1853, 54, 56, 57.
Henry Basford, 1854.
John Morrill Marston, 1855, 59, 60.
Alvin Mason Robbins, 1855, 57, 61, 62.
William Hyde Palmer, 1855.
Benjamin Simons Noyes, 1855.
Timothy Ricker Nute, 1856.
William Parker Fowle, 1856, 57, 58.
Thomas Langdon Dodge Perkins, 1856, 57.
Gideon Babbitt Richmond, 1858, 59.
Thatcher Franklin Sweat, 1858, 59, 60, 61.
Albert Batchelder, 1858, 59, 60.
Edward Lang, Jr., 1860.
John Stanton, 1861.
James Thom Buswell, 1861.
Thomas Piedmont Sweat, 1862.
Square Gage Brooks, 1862.
George Onion, 1862.

WARD 3.

William James Reynolds, 1846, 47, 48, 49, 50.
William Greene Eaton, 1846, 47, 48.
John Landorff De Wolf, 1846.
William Augustus Crafts, 1847, 48, 49, 50, 51.
William Gaston, 1849, 50, 51, 52, 53.
Joseph Crawshaw, 1851.
True Russell, 1852, 61.
John Wells Parker, 1852, 53.
Calvin Barstow Faunce, 1852, 53.
William Lewis Hall, 1853.
Charles Bayley Bryant, 1854.
Horace King, 1854.
Obed Rand, 1854.
Alden Graham, 1854.
Robert Simpson, 1855.
Robert Webb Molineux, 1855.
William Ricker Huston, 1855.
Joseph Henry Swain, 1855.
John Wilder May, 1856, 57.
John Emory Gowing, 1856.
William Francis Dunning, 1856.
Samuel Little, 1856, 57.
Alfred Gowen Hall, 1857, 58, 59.
John Bowdlear, 1857.
Patrick Henry Rogers, 1858, 59.
Thomas Jefferson Mayall, 1858.
John Metcalf Way, 1858.
Malcom McLaughlin, 1859, 60, 61.
William H. Ward, 1859, 60.
George Burrill Faunce, 1860, 61.
Patrick Robert Guiney, 1860.
John McElroy, 1861, 62.
Gotlieb Frederick Burkhardt, 1862.
Stephen Henry Williams, 1862.
William Whitney, 1862.

WARD 4.

Alvah Kittredge, 1846, 47, 48, 49, 50, 51.
 Joseph Nathaniel Brewer, 1846, 47, 48, 49, 50, 51, 52, 53.
 James Guild, 1846.
 Nathaniel Mayhew, 1847, 48, 49, 50.
 George Davenport, 1851, 52.
 George Lewis, 1852, 53.
 Frederick Guild, 1852.
 Charles Frederick Bray, 1853.
 Henry Davenport, 1853, 54.
 Joseph Bond Wheelock, 1854.
 George William Tuxbury, 1854.
 John Ronlstone Hall, 1854, 57, 58, 59.
 Samuel Atwood Shurtleff, 1855, 56, 57.
 William Ellison, 1855.
 Clark Ide Gorham, 1855.
 Ebenezer Waters Bumstead, 1855, 56.
 Daniel Wingate Glidden, 1856.
 Alonzo Williams Folsom, 1856.
 William Graham, 1857, 58.
 James Augustus Tower, 1857, 58.
 Hartley Erskine Woodbridge, 1858, 59, 60.
 John Henry Bufford, 1859.
 Francis Freeman, 1859.
 Phineas Bean Smith, 1860.
 Moses Henry Day, 1860, 61, 62.
 Frederick Augustus Brown, 1860.
 Henry Pinkham Shed, 1861, 62.
 Roland Worthington, 1861, 62.
 Edward Wise, 1861.
 George Putnam, Jr., 1862.

WARD 5.

Linus Bacon Comins, 1846, 47, 48.
 Stephen Hammond, 1846, 48, 49.
 Samuel Weld, 1846, 47.
 Thomas Lord, 1847.
 Samuel Walker, 1848, 49, 51.
 Aaron Davis Williams, Jr., 1849, 50, 51.
 Hiram Hall, 1850.
 Robert Whipple Parker, 1850.
 Horace Williams, 1851.
 Charles Hickling, 1852.
 William Sherman Leland, 1852, 53.
 William Davis Adams, 1852, 53, 54.
 Isaac Sanderson Burrell, 1852, 53.
 William Bird May, 1853.
 Walden Porter, 1854.
 James Monroe Keith, 1854.
 Henry Pinkham Shed, 1855, 57, 58.
 Joseph Willett Robbins, 1855.
 John Wesley Wolcott, 1855.
 James William Cushing, 1855, 56.
 Robert Cofield Nichols, 1856, 57, 58.
 John Thomas Ellis, 1856, 59.
 William King Lewis, 1856, 57.
 William Barton, 1857, 58.

Ebenezer Waters Bumstead, 1858, 59, 60.
Thomas Farmer, 1859.
John Dove, 1859.
Charles Davis Swain, 1860, 61, 62.
Oliver Jenkins Curtis, 1860.
William Henry McIntosh, 1860, 61, 62.
David Jones Foster, 1861, 62.
John Franklin Newton, 1861, 62.
Franklin Curtis, 1862.

WARD 6.*

George James, 1846, 47.
Joseph Richards Weld, 1846.
Calvin Young, 1846.
Franklin Fearing, 1847, 48.
George Henry Williams, 1847.
Atkins Augustus Clark, 1848, 49.
Enoch Nute, 1848.
John Flavel Jenkins Mayo, 1849, 50.
Jonas Barnard, 1849, 50.
Hosea Ballou Stiles, 1850, 51.
William Henry Gray, 1851.
John Richardson, 1851.

WARD 7.

John Dove, 1846, 47.
Anson Dexter, 1846, 47.
Theodore Dunn, 1846, 48, 50.
James Eri Forbush, 1847.
Stephen Merrill Allen, 1848, 49, 50.
Ebenezer Whitten Stone, 1848, 49.
Ephraim Washington Bouve, 1849.
Jacob Phillips George, 1850, 51.
John Carroll Pratt, 1851.
William Davis Ticknor, 1851.

WARD 8.

Francis George Shaw, 1846.
George Washington Mann, 1846.
Ebenezer Dudley, 1846, 47.
Chauncy Jordan, 1847, 48, 49, 50.
George Brown, 1847, 48, 49, 50.
Benjamin Guild, 1848.
Charles Gideon Mackinosh, 1849, 50, 51.
Cornelius Cowing, 1851.
James W. Wason, 1851.
Aaron Cass, 1851.

* Wards No. 6, 7 and 8, with parts of Wards 4 and 5, were set off and incorporated, by Act of the Legislature, May 24, 1851, into the town of West Roxbury.

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